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Washington, Saturday, October 19, 1946

The President

PROCLAMATION 2706

UNITED NATIONS EDUCATION DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on October 23, 1946, the United Nations will convene in General Assembly at the seat of that organization in this country; and

WHEREAS weighty and urgent problems, left in the wake of a devastating war and imposed by the need to establish an enduring peace, demand from the United Nations an unprecedented measure of understanding and good will; and

WHEREAS schools, colleges, universities, and other educational institutions are powerful weapons against the ignorance and ill will that produce those misunderstandings and conflicts which the United Nations are striving to eliminate:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Wednesday, the twenty-third day of October, 1946, as a day on which schools, colleges, universities, and other institutions of learning are requested to give special consideration to the problems, plans, and policies of the United Nations; and I urge the heads and governing bodies of such institutions to set aside a period on or about that day for appropriate educational exercises relating to the work of the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of October in the year of our Lord nineteen hundred and forty-six and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 46-18996; Filed, Oct. 18, 1946; 11:50 a. m.]

EXECUTIVE ORDER 9791

PROVIDING FOR A STUDY OF SCIENTIFIC RESEARCH AND DEVELOPMENT ACTIVITIES AND ESTABLISHING THE PRESIDENT'S SCIENTIFIC RESEARCH BOARD

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States and as Commander in Chief of the Army and Navy, and in order to insure that Federal research activities contribute most effectively and efficiently to strengthening the national defense, to developing the domestic economy, and to increasing the store of fundamental knowledge, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. The Director of War Mobilization and Reconversion shall:

(a) Review the current and proposed scientific research and development activities conducted or financed by all departments and independent establishments of the Government to ascertain (1) the fields of such research and development and the objectives sought; (2) the type and numbers of personnel required for the execution of such programs; (3) the extent to and manner in which such research and development is conducted for the Federal Government by non-Federal profit and non-profit institutions; and (4) the cost of such activities.

(b) Review from readily available sources (1) the nature and scope of non-Federal scientific research and development activities; (2) the type and numbers of personnel required for such activities; (3) the facilities for training new scientists; and (4) the amounts of money expended for such research and development.

(c) Advise with the Director of the Bureau of the Budget in respect to such aspects of the foregoing matters as have a bearing upon the Federal Budget.

(d) On the basis of these studies and such other information as the Director may deem appropriate, prepare and submit a report to the President setting forth (1) his findings with respect to the Federal research programs and his recommendations for providing coordination and improved efficiency therein; and

(Continued on p. 12279)

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THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Continued

(2) his findings with respect to non-Federal research and development activities and training facilities, a statement of the interrelationship of Federal and non-Federal research and development, and his recommendations for planning, administering, and staffing Federal research programs to insure that the scientific personnel, training, and research facilities of the Nation are used most effectively in the national interest.

2. All departments and independent establishments of the Government are directed to furnish the Director such information and assistance as he may request in the performance of his duties under this order. In the performance of such duties the Director may also utilize such private agencies and personnel as he shall deem appropriate.

3. No scientific information shall be withheld from Director except on specific order of the President.

4. To assist the Director in the performance of his duties hereunder, there is hereby established an interdepartmental board to be known as the President's Scientific Research Board, which shall consist of the Director as chairman, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, the Secretary of the Navy, the Secretary of War, the Federal Loan Administrator, the Federal Security Administrator, the Federal Works Administrator, the Director of the Office of Scientific Research and Development, the Chairman of the Federal Communications Commission, the Chairman of the Tennessee Valley Authority, and the Chairman of the National Advisory Committee for Aeronautics, each of whom may designate a full-time member of his staff as alternate to act in his stead. The Director may from time to time designate as members of the Board heads of other departments or independent establishments engaged in Federal research or development work. The function of the Board shall be to assist the Director in making the studies described in paragraph 1 and to advise and consult with him in the preparation of reports required by this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 17, 1946.

[F. R. Doc. 46-18926; Filed, Oct. 17, 1946; 4:33 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farm Security Administration

DELEGATION OF AUTHORITY TO THE FARM SECURITY ADMINISTRATOR FROM THE SECRETARY OF AGRICULTURE WITH RESPECT TO MINERAL RIGHTS

CROSS REFERENCE: For delegation of authority to the Administrator with respect to mineral rights and modification of the orders of the Secretary of Agriculture of August 14, 1946 (11 F. R. 9007, 9183) and August 28, 1946 (11 F. R. 177A-251), *see* Title 7, Subtitle A, *infra*.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Order Dated Aug. 14, 1946, Supp. 1]

RESERVATION OF MINERAL RIGHTS OR INTERESTS

POSTPONEMENT OF EFFECTIVE DATE OF TRANSFERS BY FARMERS HOME ADMINISTRATION

Supplement I to order dated August 14, 1946, postponing the effective date of transfers provided for by the Farmers' Home Administration Act of 1946, and establishment of the Farmers Home Administration.

Pursuant to the authority contained in the Farmers Home Administration Act of 1946 (Public Law 731, 79th Congress, approved August 14, 1946), and in accordance with the specific requirements contained in section 9 thereof, and Public Law 563, 79th Congress, *It is hereby ordered*, as follows:

1. The Administrator of the Farm Security Administration is hereby authorized and directed, at the time of sale or other disposition of real estate under any program administered or supervised by Farm Security Administration, except property identified in Executive Order No. 7028, issued April 30, 1935, to convey or cause to be conveyed all mineral rights or interests in or under such lands.

2. This order shall be effective as of August 14, 1946; *Provided, however,* That any reservation of mineral rights or interests approved or consummated prior hereto by Farm Security Administration in the sale or other disposition of real estate shall be deemed valid and binding.

3. This order shall modify and supplement the Secretary's orders of August 14, 1946 (11 F. R. 9007, 9183) and August 28, 1946 (6 CFR § 300.1; 11 F. R. 177 A–251) only to the extent in conflict herewith.

(Pub. Laws 563, 731, 79th Cong.)

Done at Washington, D. C., this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18837; Filed, Oct. 18, 1946; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 102]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.306 *Orange Regulation 102*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the commitees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) Orange Regulation 101 (11 F. R. 11895) is hereby terminated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., October 19, 1946, and ending at 12:01 a. m., e. s. t., November 4, 1946, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(3) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of October 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46–18854; Filed, Oct. 18, 1946; 8:46 a. m.]

[Grapefruit Reg. 74]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.307 *Grapefruit Regulation 74*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 21, 1946, and ending at 12:01 a. m., e. s. t., November 4, 1946, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Citrus Fruits, issued by the United States Department of Agriculture, effective July 12, 1943);

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of October 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46–18914; Filed, Oct. 18, 1946; 8:45 a. m.]

[Lemon Reg. 198]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.305 *Lemon Regulation 198*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., § 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, issued under the applicable provisions of the Agricultural Marketing

Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act, of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., October 27, 1946, and ending at 12:01 a. m., p. s. t., Oct. 27, 1946, is hereby fixed at 230 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 197 (11 F. R. 11896) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "boxes," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such word in the said marketing agreement and order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of October 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-18924; Filed, Oct. 18, 1946; 8:46 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 75, Termination]

PART 1410—LIVESTOCK AND MEATS

TERMINATION

War Food Order No. 75, as amended (10 F. R. 4649, 7383; 11 F. R. 4641), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75, as amended, shall be addressed to the Chief, Distribution Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a))

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18906; Filed, Oct. 17, 1946; 3:07 p. m.]

[WFO 75-2, Termination]

PART 1410—LIVESTOCK AND MEATS

BEEF SET ASIDE TERMINATION

War Food Order No. 75-2, as amended (11 F. R. 5993, 6663, 7331), is hereby terminated.

This termination shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-2, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75-2, as amended, should be addressed to the Chief, Meat Merchandising Division, Livestock Branch, Production and Marketing Administration, U. S. Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; and W. F. O. 75, 10 F. R. 4649)

Issued this 16th day of October 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-18908; Filed, Oct. 17, 1946; 3:07 p. m.]

[WFO 75-3, Termination]

PART 1410—LIVESTOCK AND MEATS

TERMINATION

War Food Order No. 75-3, as amended (11 F. R. 6273, 6664, 7332), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-3, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75-3, as amended, shall be addressed to the Chief, Meat Merchandising Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a); W. F. O. 75, 11 F. R. 4641)

Issued this 16th day of October 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-18907; Filed, Oct. 17, 1946; 3:07 p. m.]

[WFO 75-4, Termination]

PART 1410—LIVESTOCK AND MEATS

VEAL SET ASIDE TERMINATION

War Food Order No. 75-4, as amended (11 F. R. 6387, 7332), is hereby terminated.

This termination shall become effective at 12:01 a. m., e.s.t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75-4, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action or other proceeding, with respect to any violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75-4, as amended, should be addressed to the Chief, Meat Merchandising Division, Livestock Branch, Production and Marketing Administration, U. S. Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 75, 10 F. R. 4649)

Issued this 16th day of October 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-18909; Filed, Oct. 17, 1946; 3:08 p. m.]

[WFO 75-6, Termination]

PART 1410—LIVESTOCK AND MEATS

TERMINATION

War Food Order No. 75-6, as amended (10 F. R. 12844, 13041, 13438; 11 F. R. 2219, 2500, 5471, 5994), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War

Food Order No. 75–6, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75–6, as amended, shall be addressed to the Chief, Meat Merchandising Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a); W. F. O. 75, 11 F. R. 4641)

Issued this 16th day of October, 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46–18910; Filed, Oct. 17, 1946; 3:08 p. m.]

[WFO 75–9, Termination]

PART 1410—LIVESTOCK AND MEATS

CANNED MEAT SET ASIDE TERMINATION

War Food Order No. 75–9, as amended (11 F. R. 6275, 7332), is hereby terminated.

This termination shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75–9, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceeding, with respect to any such violation, right, liability, or appeal.

Communications with respect to War Food Order No. 75–9, as amended, should be addressed to the Chief, Meat Merchandising Division, Livestock Branch, Production and Marketing Administration, U. S. Department of Agriculture, South Building, Washington 25, D. C.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 75, 10 F. R. 4649)

Issued this 16th day of October 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46–18911; Filed, Oct. 17, 1946; 3:08 p. m.]

[WFO 66, Amdt. 18]

PART 1468—GRAINS

GRAIN AND GRAIN PRODUCTS

War Food Order No. 66, as amended (11 F. R. 2215, 5105, 6750, 9732), is hereby further amended as follows:

1. By deleting the provisions of § 1468.2 (b) (3) and inserting, in lieu thereof, the following:

(3) Notwithstanding any other quota limitation prescribed or provided for under this order, any brewer may use in the manufacture of malt beverages, during any quota period beginning after August 31, 1946, a quantity of grain of the kinds and classes, and in the ratio, permitted to be so used by the provisions of (b) (1) hereof which is not in excess of 225,000 pounds.

2. By deleting the provisions of § 1468.2 (c) (2), (3), and (4), and inserting, in lieu thereof, the following:

(2) No brewer who manufactures malted grain shall acquire (by purchase or otherwise), accept delivery of, or manufacture a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer, or in his possession, at any one time to exceed 510,000 pounds, or 30 percent of the total quantity of malted grain used by such brewer for all purposes in the calendar year 1945, whichever amount is the greater.

(3) No brewer shall acquire (by purchase or otherwise), or accept delivery of, a quantity of grain other than malted grain which will cause the total quantity of grain other than malted grain owned by such brewer, or in his possession, at any one time to exceed 228,000 pounds, or 16 percent of the quantity of grain other than malted grain used by such brewer in the manufacture of malt beverages in the calendar year 1945, whichever amount is the greater.

(4) No brewer, other than a brewer who manufactures grain products, shall acquire (by purchase or otherwise), or accept delivery of, a quantity of grain products which will cause the total quantity of grain products owned by such brewer, or in his possession, at any one time to exceed 225,000 pounds, or 16 percent of the quantity of grain products used by such brewer in the manufacture of malt beverages in the calendar year 1945, whichever amount is the greater.

The provisions of this amendment shall become effective as of 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, right accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective time of the provisions of this amendment, the provisions of said War Food Order No. 66, as amended, in effect prior to the effective time of the provisions of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18842; Filed, Oct. 18, 1946; 8:51 a. m.]

[WFO 144, Amdt. 18]

PART 1468—GRAIN

USE OF WHEAT

War Food Order No. 144, as amended (11 F. R. 6750, 7332, 7563, 7738, 7999, 8214, 9551, 10752, 10819), is hereby further amended as follows:

1. By deleting paragraph (b) (2) therefrom.

2. By deleting paragraph (c) and inserting in lieu thereof the following:

(c) *Use of wheat in grain mixtures.* No person shall use milling quality wheat, as defined herein, in any form in making any mixture of grains for sale as an ingredient in the manufacture of mixed feed.

3. By deleting paragraph (x) (3) therefrom.

This order shall become effective at 12:01 a. m., e. s. t., October 18, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 144, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a))

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18843; Filed, Oct. 18, 1946; 8:51 a. m.]

[WFO 51, Amdt. 4]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

MANUFACTURE, DELIVERY, AND USE OF EDIBLE MOLASSES

War Food Order No. 51, as amended (8 F. R. 5430, 12731), is further amended to read as follows:

§ 1490.5 *Restrictions on the manufacture, delivery, and use of edible molasses*—(a) *Definitions.* (1) "Edible molasses" means any molasses, syrup, sugar solution, or saccharine liquid derived from sugarcane or sugar beets, other than sugar as herein defined, which is capable of use for human consumption, excluding final beet molasses and blackstrap except where the edible use of such products is specifically authorized by the Administrator.

(2) "Sugar" means:

(i) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of crystalline structure and which contains sucrose, dextrose or levulose; or

(ii) Liquid sugar as herein defined.

(3) "Liquid sugar" means:

(i) Any sirup of cane juice, produced from sugarcane grown in the continental United States, which contains less soluble nonsugar solids (exclusive of any foreign substances that may have been added or developed in the product) than 4.5 percent of the total soluble solids; or

(ii) Any other grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and which contains less soluble nonsugar solids (exclusive of any foreign substances that

may have been added or developed in the product) than 6 percent of the total soluble solids; or

(iii) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and regardless of the percentage amount of nonsugar solids, contains soluble nonsugar solids (exclusive of any foreign substances that may have been added or developed in the product) consisting of less than 20 percent sulphated ash, excluding, however, any liquid saccharine product which, irrespective of the ash content, contains nonsugar solids equal to 6 percent or more of the total soluble solids, and which results from reprocessing final beet molasses or blackstrap molasses or which is obtained as a by-product in connection with the production of sugar in accordance with the provisions of paragraph (b) (4) of this order.

(4) "Producer" means any person who produces over 1000 gallons of edible molasses during any marketing year.

(5) "Blend" or "process" means:

(i) To package edible molasses in containers of one gallon or less, or

(ii) To mix or treat one or more types of edible molasses in such a manner that the color, taste, or density of the finished product differs materially from the color, taste, or density of the original material or its principal ingredient, *Provided, however,* That a mere reduction in density shall not constitute processing.

(6) "Blender" means any person engaged in the business of blending or processing edible molasses.

(7) "Distributor" means any person who is engaged in the business of buying and selling unblended or unprocessed edible molasses.

(8) "Food manufacturer" means any person, other than a blender, who, during any marketing year, uses over 100 gallons of unblended or unprocessed edible molasses in the manufacture of edible products for human consumption.

(9) "Marketing year" means the period from October 1 to September 30, both inclusive.

(10) "Yearly quota" means a quantity of edible molasses equal to 110 percent of the total quantity of edible molasses blended or processed by a blender or used by a food manufacturer during the base period.

(11) "Quarterly quota" means a quantity of edible molasses equal to 110 percent of the total quantity of edible molasses blended or processed by a blender or used by a food manufacturer during the corresponding calendar quarter of the base period.

(12) "Base period" means the period from July 1, 1940, to June 30, 1941, both inclusive.

(13) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(14) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom the Administrator has delegated, or may hereafter delegate, any or all of the authority vested in him by this order.

(b) *Production of edible molasses.* (1) Except as otherwise specifically authorized by the Administrator or as hereinafter provided, no producer shall, during any marketing year, produce edible molasses (other than blackstrap and final beet molasses) in any quantity in excess of the average quantity per marketing year produced by him in any three marketing years during the period October 1, 1941, to September 30, 1946.

(2) No producer shall produce edible molasses unless, on or before November 1, 1946, he mails a report to the Administrator showing his total production of each type of edible molasses during each marketing year in the period from October 1, 1941, to September 30, 1946, both inclusive.

(3) Any producer may, during any marketing year, produce not to exceed 100,000 gallons of edible molasses. The delivery or use of any edible molasses so produced shall be subject to all the provisions of this order.

(4) Subject to the prior written approval of the Administrator, any sugar producer may, in connection with the process of producing raw or refined sugar, manufacture edible molasses during any marketing year in such quantity as the Administrator may specify, *Provided, however:*

(i) That at each sugarcane or sugar beet processing plant where such edible molasses is produced, the yield of sugar per ton of total sugarcane or sugar beets processed during such marketing year equals or exceeds the yield of sugar under the commercially recoverable sugar formula determined by the Secretary of Agriculture in accordance with the provisions of section 302 (a) of the Sugar Act of 1937, as amended (7 U. S. C. 1100 et seq.), to be applicable in the area in which such plant is located, or

(ii) That at each cane sugar refinery where such edible molasses is produced, the edible molasses produced contains not over 76 percent total sugars on the dry basis.

Such quantities of edible molasses as are produced in accordance with the specific authorization of the Administrator under paragraph (b) (4) and in accordance with the requirements of paragraphs (b) (4) (i) or (b) (4) (ii) shall not be subject to any use or delivery restriction contained in this order other than the restrictions of paragraph (f). All edible molasses manufactured by a sugar producer in excess of the quantity authorized by the Administrator under this paragraph (b) (4) shall be subject to all the use and delivery restrictions of this order.

(c) *Distribution by distributors.* (1) No person shall accept delivery of edible molasses as a distributor unless he functioned as a distributor in the base period and has secured prior written approval from the Administrator to function as a distributor.

(2) Except as otherwise specifically authorized by the Administrator, no distributor shall receive edible molasses from another distributor.

(d) *Delivery and use by blenders and food manufacturers.* Except as otherwise specifically authorized by the Administrator:

(1) No blender or food manufacturer shall, during any marketing year, purchase, receive, or use edible molasses in excess of his yearly quota, nor use edible molasses during any calendar quarter in excess of his quarterly quota.

(2) No blender or food manufacturer shall, directly or indirectly, transfer any quota established under the provisions of this order.

(3) No blender or food manufacturer shall receive or use edible molasses unless he has filed a report showing his yearly and quarterly quotas and has received approval of such quotas from the Administrator.

(4) No blender shall, during any marketing year, package unprocessed edible molasses in containers of more than one gallon in excess of 110 percent of the quantity of unprocessed edible molasses so packaged during the base period.

(e) *Unrestricted delivery and use.* Edible molasses which has been packaged or processed by a blender in compliance with all applicable provisions of this order, and such quantities of edible molasses as are manufactured by a sugar producer in accordance with the specific authorization of the Administrator under paragraph (b) (4) and in accordance with the requirements of paragraphs (b) (4) (i) or (b) (4) (ii), may be delivered and used for human food purposes without restriction except where such delivery or use would be in violation of paragraph (f) of this order.

(f) *Use in alcoholic or malt beverages.* Except as otherwise specifically authorized by the Administrator, no person shall receive, use, or knowingly deliver edible molasses for the manufacture of beverage spirits or malt beverages.

(g) *Certificates.* (1) No producer shall deliver edible molasses to a distributor, and no distributor shall accept delivery of edible molasses unless, prior to such acceptance, the receiver executes and furnishes to his supplier a certificate in duplicate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that
(name of producer)
he is familiar with the terms of War Food Order No. 51; that he has secured from the Administrator written approval to function as a distributor of edible molasses; that this certificate is furnished in order to enable the undersigned to acquire _____ gallons of _____
(specify type, i. e., refiners' syrup, blackstrap, etc.)
for resale to blenders and food manufacturers; and that the receipt of such edible molasses will not be in violation of any provision of War Food Order No. 51.

_____
Distributor

By _____
Duly authorized official

_____
(Date)

(2) No producer or distributor shall deliver edible molasses to a blender or food manufacturer, and no blender or food manufacturer shall accept delivery of edible molasses unless, prior to such

acceptance, the receiver executes and furnishes to his supplier a certificate in duplicate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that
(name of producer or distributor)
he is familiar with the terms of War Food Order No. 51; that he is a _____
(state whether
_____, as defined
blender or food manufacturer)
therein; that he has an established yearly quota or specific authorization expiring _____ in the amount of _____
(date of expiration)
gallons; and that the receipt and use by the undersigned of _____ gallons of _____
(specify type,
_____ covered
i. e., refiners syrup, blackstrap, etc.)
by this certificate will not be in violation of any provisions of War Food Order No. 51.

_____
(Name of blender or food manufacturer)
By _____
(Duly authorized official)

_____
(Date)

(3) All statements contained in certificates executed under this order shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reason to believe it to be false.

(h) *Transfers between branches or departments.* The transfer of edible molasses between units, departments, branches, plants or companies, owned, controlled, or directed by the same person but engaged in separate activities as producers, distributors, blenders, or food manufacturers shall constitute delivery and acceptance of delivery within the meaning of this order.

(i) *Records and reports.* (1) Every producer or distributor shall, on or before the 15th day of each calendar month, forward to the Administrator one original of each certificate executed under paragraph (g) hereof and received by such producer or distributor during the preceding month.

(2) Every producer, distributor, blender, food manufacturer, or importer of edible molasses shall, within 15 days after the end of each calendar quarter beginning with the last calendar quarter of 1946, properly execute and mail to the Administrator a copy of Form FDO 51–1.

(3) The Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years, or for such period of time as the Administrator may designate, maintain an accurate record of his transactions in edible molasses.

(j) *Existing contracts.* The provisions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(k) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of sugar or molasses, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(m) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using sugar or molasses. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 51, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(p) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(q) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 51, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18853; Filed, Oct. 18, 1946; 9:00 a. m.]

[WFO 9]

PART 1220—FEED

TERMINATION

War Food Order No. 9, as amended (11 F. R. 669, 2215, 2436, 4383, 6749, 6952, 8481, 9791), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t. October 17, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 9, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a))

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18956; Filed, Oct. 17, 1946; 5:04 p. m.]

[WFO 145]

PART 1468—GRAIN

TERMINATION

War Food Order No. 145, as amended (11 F. R. 4783, 8859, 9951, 10263, 10752), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t. October 17, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 145, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a))

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18957; Filed, Oct. 17, 1946; 5:04 p. m.]

[WFO 9–19]

PART 1220—FEED

TERMINATION

War Food Order No. 9–19, as amended (11 F. R. 789, 1145, 2213, 3077, 4445, 5853, 6747) is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., October 17, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 9–19, as amended, all provisions of said order shall be deemed to remain in force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability, or appeal.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; sec. 2 (a), 54 Stat. 676, as amended, 50 U. S. C. War App. Sup. 1152 (a), W. F. O. 9, 11 F. R. 669)

Issued this 17th day of October 1946.

[SEAL] C. C. FARRINGTON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 46–18958; Filed, Oct. 17, 1946; 5:04 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

ORGANIZATION AND PROCEDURE

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 USC 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Chapter I of Title 22 of the Code of Federal Regulations is hereby amended as follows:

PART 1—ORGANIZATION

In § 1.2 (g) (1) delete the entry "Division of Middle Eastern Affairs;" and substitute therefor the entry "Division of Middle Eastern and Indian Affairs;".

PART 2—FUNCTIONS

In § 2.9 (c) delete the entry "Division of Middle Eastern Affairs;" and substitute therefor the entry "Division of Middle Eastern and Indian Affairs;".

This regulation is effective on the date of publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

OCTOBER 14, 1946.

[F. R. Doc. 46–18804; Filed, Oct. 18, 1946; 8:46 a. m.]

ORGANIZATION AND PROCEDURE

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 USC 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Chapter I of Title 22 of the Code of Federal Regulations is hereby amended as follows:

PART I—ORGANIZATION

In § 1.2 (g) (2) delete the entry "Division of Caribbean and Central American Affairs;" and insert, in lieu thereof "Division of Central America and Panama Affairs;" "Division of Caribbean Affairs;".

PART 2—FUNCTIONS

In § 2.9 (d) delete the entry "Division of Caribbean and Central American Affairs;" and insert, in lieu thereof "Divison of Central America and Panama Affairs;" "Division of Caribbean Affairs;".

This regulation is effective on the date of publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

OCTOBER 14, 1946.

[F. R. Doc. 46–18805; Filed, Oct. 18, 1946; 8:46 a. m.]

ORGANIZATION AND PROCEDURE

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 USC 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Chapter I of Title 22 of the Code of Federal Regulations is hereby amended as follows:

PART 1—ORGANIZATION

In § 1.2 (g) (5) delete the entry "Division of Research and Publication," and add, in lieu thereof, the three entries "Division of Public Studies;" "Division of Historical Policy Research;" "Division of Publications."

PART 2—FUNCTIONS

In § 2.9 (j) delete the entry "Division of Research and Publication." and add, in lieu thereof, the three entries "Division of Public Studies;" "Division of Historical Policy Research;" "Division of Publications."

This regulation is effective on the date of publication in the FEDERAL REGISTER.

[SEAL] DEAN ACHESON,
Acting Secretary of State.

OCTOBER 14, 1946.

[F. R. Doc. 46–18806; Filed, Oct. 18, 1946; 8:46 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

PART 1100—SALARIES AND WAGES OF AGRICULTURAL LABOR

REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

The regulations relative to salaries and wages of agricultural labor issued on January 17, 1944, as amended (9 F. R. 655, 6011, 7378, 9641, 12117, 12611; 10 F. R. 7609, 9581, 11793) are hereby amended by adding the following at the end of § 1100.10 (b):

Payment of total compensation, including perquisites and other additional forms of compensation, for the production, cultivation or harvesting of sugar beets at rates not exceeding basic rates established by the Secretary pursuant to the Sugar Act of 1937, as amended, may be made without further approval.

(56 Stat. 765 as amended by 57 Stat. 63, 57 Stat. 632 and Public Law 108, 79th Cong., 59 Stat. 306; E. O. 9250 (7 F. R. 7871), E. O. 9328 (8 F. R. 9681), E. O. 9599 (10 F. R. 10155), E. O. 9651 (10 F. R. 13487), E. O. 9697 (11 F. R. 1691), E. O. 9699 (11 F. R. 1929), Regulations of the Economic Stabilization Director, dated March 8, 1946 (11 F. R. 2517))

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary.

[F. R. Doc. 46–18839; Filed, Oct. 18, 1946; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–988]

SHELBY BOWLING CENTER AND WILLIAM F. HENDERSON

The Shelby Bowling Center, a corporation, of Shelby, Montana, and William F. Henderson of 711 First Street South, Shelby, Montana, in the first week of June, 1946, began without authorization from the Civilian Production Administration, construction of a building to be used as a bowling alley located at 241 First Street South, Shelby, Montana. The structure was to be built for the corporation by William F. Henderson, as contractor. The beginning and carrying on of this construction at an estimated cost of approximately $25,000 constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.988 *Suspension Order No. S–988.* (a) Neither Shelby Bowling Center nor William F. Henderson, their successors or assigns, nor any other person shall do any further construction on the premises located at 241 First Street South, Shelby, Montana, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Shelby Bowling Center and William F. Henderson shall refer to this order in any application or appeal which they may file with the Civilian Production Administration relating to the above mentioned premises.

(c) Nothing contained in this order shall be deemed to relieve Shelby Bowling Center and William F. Henderson, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administra-

tion, except insofar as the same may be consistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18952; Filed, Oct. 17, 1946; 4:39 p. m.]

PART 1010—SUSPENSION ORDER

[Suspension Order S-989]

THOMAS HOLLINS

Thomas Hollins resides at 2802 Ocean View Boulevard, San Diego, California. On July 10, 1946, he began without authorization from the Civilian Production Administration or the Federal Housing Administration the construction of a combination commercial store and residence at Lots 20-21, Block 6, Heffender Sub-Division, San Diego, California, the estimated cost of which was in excess of the limit permitted by Veterans' Housing Program Order 1, and in violation thereof. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.989 *Suspension Order No. S-989.* (a) Neither Thomas Hollins, his successors and assigns, nor any other person, shall do any further construction on the premises located at Lots 20-21, Block 6, Heffender Sub-Division, San Diego, California, including putting up, completing or altering the structures, unless hereafter authorized in writing by the Civilian Production Administration or the National Housing Administration.

(b) Thomas Hollins shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the National Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Thomas Hollins, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18953; Filed, Oct. 17, 1946; 4:39 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-995]

MOHAWK REALTY CO., INC.

Mohawk Realty Company, Inc., is a corporation with its place of business at Pittsfield, Massachusetts. Its principal officers and managers are Samuel Friedland and Carmelo T. Zorbo, both of Pittsfield. In accordance with a plan to construct 14 houses on land owned by Mohawk Realty Company, Inc., at Evelyn Park, Pittsfield, and Cecelia Terrace, Pittsfield, Friedland and Zorbo during the period from March 22, 1946 to June 6, 1946, caused Mohawk Realty Company, Inc., to use HH preference ratings without being entitled to do so, on orders for large quantities of brick, lumber, soil pipe and other critical materials for the houses, in grossly negligent reliance upon the false representations of one Maurice Suhrer of Springfield, Massachusetts, that the HH preference ratings could be used by Mohawk Realty Company, Inc. In addition during the period from May 15, 1946 to June 20, 1946, Friedland and Zorbo caused the Mohawk Realty Company, Inc., to engage in the construction of four houses at Evelyn Park, Pittsfield, without authorization by the Federal Housing Administration, and to excavate cellars for three other houses, on the grossly negligent and unwarranted assumption that no authorization other than the HH rating was required.

These actions by Friedland, Zorbo, and Mohawk Realty Company, Inc., constituted violations of Priorities Regulation 3 and 33 and of Veterans' Housing Program Order 1, and diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.995 *Suspension Order No. S-995.* (a) For a period of four months from the effective date of this order Mohawk Realty Company, Inc., Samuel Friedland and Carmelo T. Zorbo shall not engage in any construction nor apply or extend any HH preference ratings. This restriction shall not apply to three houses for which they have excavated the cellars on land owned by the Mohawk Realty Company, Inc., located at Evelyn Park and on Cecelia Terrace, Pittsfield, Massachusetts, in respect to which they shall do no further construction unless specifically authorized by the Civilian Production Administration or Federal Housing Administration.

(b) Mohawk Realty Company, Inc., Samuel Friedland, and Carmelo T. Zorbo shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Mohawk Realty Company, Inc., Samuel Friedland, and Carmelo T. Zorbo from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18949; Filed, Oct. 17, 1946; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-999]

BEN H. GOODWIN AND ROY HOLSWORTH

Ben H. Goodwin, of 35 Delaware Drive, Pontiac, Michigan, and Roy Holsworth, of 985 Boston Street, Pontiac, Michigan, on or about April 16, 1946, began without authorization from the Civilian Production Administration the construction of a dry-cleaning plant at 944 W. Huron Street, Waterford Township, Oakland County, Michigan. The beginning and carrying on of this construction at an estimated cost in excess of $1,000 constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.999 *Suspension Order No. S-999.* (a) Neither Ben H. Goodwin and Roy Holsworth, their successors or assigns, nor any other person, shall do any further construction on the premises located at 944 W. Huron Street, Waterford Township, Oakland County, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Ben H. Goodwin and Roy Holsworth shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Ben H. Goodwin and Roy Holsworth, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18955; Filed, Oct. 17, 1946; 4:39 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1001]

JOSEPH S. LAMPMAN

Joseph S. Lampman resides at 954 Franklin Street, Trenton, New Jersey. On July 11, 1946, he began construction of a four room bungalow on Philmont Avenue, Bywater Section, Bordentown Township, Burlington County, New Jersey, at an estimated cost of $6,000 without authorization from the Civilian Production Administration or the Federal Housing Administration. The beginning and carrying on of this construction without authorization constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Ad-

ministration. In view of the foregoing, it is hereby ordered that:

§ 1010.1001 *Suspension Order No. S–1001.* (a) The temporary suspension order issued by telegram, dated September 10, 1946, against Joseph Lampman, is hereby revoked.

(b) Neither Joseph S. Lampman, his successors or assigns, nor any other person shall do any construction on the premises located at Philmont Avenue, Bywater Section, Bordentown Township, Burlington County, New Jersey, including completing, putting up or the altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration or the Federal Housing Administration.

(c) Joseph S. Lampman shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration or priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Joseph S. Lampman, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–18951; Filed, Oct. 17, 1946; 4:38 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Amdt. 1 to Direction 18 as Amended Sept. 12, 1946]

CC RATINGS FOR IRON CASTINGS AND STEEL

Direction 18 to Priorities Regulation 28 is amended by adding a new paragraph (f) as follows:

(f) *Applications for iron castings and steel for products not listed in paragraph (e).* Applications for a CC rating for iron castings or steel for any products not listed in paragraph (e) of this direction should be made on Form CPA–541A. In order to supply the Civilian Production Administration with adequate information to determine whether an applicant meets the criteria of Priorities Regulation 28, he must show, in addition to the other information required by Form CPA–541A, the total 1946 quarterly receipts (actual and anticipated) of iron castings and steel, from each supplier, for the plant or activity covered by the application. For the 1st and 2d quarters of 1946, the exact amounts actually received from each supplier must be shown. For the 3d quarter, the exact amounts actually received from each supplier must be shown where possible, and estimates may be used only where exact figures cannot be supplied. For the 4th quarter, the receipts shown from each supplier should include estimated amounts expected to be received after the date of application plus amounts (exact, where possible) received up to the date of application.

Issued this 18th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–18987; Filed, Oct. 18, 1946; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–980, Stay of Execution]

G & M BATTERY CO.

Arthur Mayer, doing business as G & M Battery Company, 4700 John R. Street, Detroit, Michigan, has appealed from the provisions of Suspension Order No. S–980, issued October 1, 1946, and has requested a stay on the ground that irreparable harm would be done his business if the Suspension Order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the Suspension Order be stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

In view of the foregoing:

It is hereby ordered, That: The provisions of Suspension Order No. S–980, issued October 1, 1946, are hereby stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

Issued this 18th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–18986; Filed, Oct. 18, 1946; 11:31 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Limitation Order L–359]

LUMBER, HARDWOOD FLOORING AND MILLWORK

There is a shortage in the supply of lumber, hardwood flooring and millwork for defense, for private account and for export. Lumber, millwork and hardwood flooring are necessary for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings, and special priorities for the deliveries of lumber, millwork, and hardwood flooring for these purposes are established in Schedule A to Priorities Regulation 33. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 3285.153 *Limitation Order L–359—*(a) *What this order does.* This order provides that sawmills shall produce a percentage of their total production of lumber in housing construction lumber and hardwood flooring lumber which is to be held for certified and rated orders from distributors and manufacturers of certain housing products, and other items. It applies to all sawmills and to lumber suppliers, manufacturers of millwork, hardwood flooring and house trailers; prefabricators, builders and other consumers who have been assigned priorities assistance. This order will supersede Direction 1 to PR–33 on November 1, 1946. Specific authorizations and directives issued by CPA under Direction 1 remain valid and certified orders placed under Direction 1 shall be considered certified orders under this order.

DEFINITIONS

(b) *Definitions for the purpose of this order.* (1) "Lumber" means any sawed lumber of any species, size, or grade, including rough, surfaced on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, except (i) shingles, slabs and round edge lumber; (ii) mine and railway cross ties nine feet or less in length; (iii) any segment of a log which has been produced so that it can be converted into veneer and which is sold and used for that purpose.

(2) "Housing construction lumber" means softwood lumber in the form of flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, shop and lath.

(3) "Hardwood flooring lumber" means Grades 2 and 3a common, of rough Oak, Hard Maple, Beech and Birch in 5/8, 4/4 and 5/4 thicknesses; and Grades 2 and 3 common, of rough Pecan in 5/8, 4/4 and 5/4 thicknesses.

(4) "Residential hardwood flooring" means hardwood flooring of 25/32'' thickness or less manufactured from Grades 2 and 3a common Oak, Hard Maple, Beech and Birch and Grades 2 and 3 common of Pecan.

(5) "Millwork" means only sash, windows, doors, interior and exterior frames for foregoing, combination doors and garage doors; storm sash and storm doors; window, sash and door screens; porch columns, louvres and newels; standing interior trim for doors and windows and cased openings; crown, bed, cove, brick, screen, panel, band and cornice mouldings; quarter, half and full rounds; window and door stops; nosing; screen, sash, sill and frame stock; hook strip, corner and glass bead; chair, porch and hand rails; shelf cleat; panel strips; stools and aprons; lattice; drip cap and water table; back bank, cap trim, floor and base moulding; astragals, and baluster stock; mantels; built-in kitchen cabinets, medicine cases, china cabinets, ironing boards and linen closets.

(6) "Sawmill" means: (i) a person operating any mill or plant, stationary or portable, that produces lumber. The term includes a person who has logs manufactured into lumber by a sawmill, except a person who has less than 5,000 feet a quarter of his own logs sawed into lumber for his own use; (ii) a person operating any plant or concentration yard which processes (by drying, resawing, edging, grading, sorting, planing, or otherwise) 25 percent or more of the total volume of logs and lumber which it receives, into an item which is defined as

lumber. However, the term "sawmill" does not include any establishment known in the trade as a distribution yard, even though owned by a sawmill, engaged in either retail or wholesale business and even though it may process, for the servicing of special orders from consumers, more than 25 percent of the lumber it receives.

(7) "Distributor" means any person who buys and stocks millwork or hardwood flooring for resale and lumber for resale as lumber either at wholesale or retail. The term "distributor" also includes any establishment owned or operated by a sawmill where lumber is sold at either wholesale or retail. A distributor who has two or more distinct and separate yards must for the purpose of this order, consider each yard a "distributor".

(8) "Hardwood flooring manufacturer" means a person that produces kiln dried end matched hardwood flooring or 5/16" strip flooring. However, the term does not include a person who has lumber manufactured into flooring on a custom basis.

(9) "Cut-stock manufacturer" means a person who supplies from his production plant stock surfaced 2-sides, cut to approximate net sizes for the manufacture of doors, sash, check rail and plane rail windows, exterior frames and inside jambs. Cut-stock for doors, windows and sash consists of stock cut to approximate net sizes S2S and not further machined for stiles, rails, bars, muntins, meeting rails and facings for door stiles. Cut-stock for frame parts consists of stock cut to approximate net sizes S2S and not further machined for pulley stiles, blind and parting stops, outside casings, sills, drip cap and brick mould.

(10) "Certified order" is any order for the delivery of lumber bearing the certificate described in paragraph (1).

SAWMILLS

(c) *Sawmill reserve production.* The following provisions govern the amount of housing construction lumber and hardwood flooring lumber, sawmills shall produce and reserve for certified and rated orders:

(1) *Softwoods.* (i) Each sawmill shall manufacture at least 50% of his monthly production of softwood in the form of housing construction lumber which shall be reserved for shipment on certified or rated orders. A sawmill may not include in his total production logs custom sawed for another person. Such other person, if a sawmill as defined in paragraph (b) (6) above is subject to this order.

(ii) Every sawmill must hold his reserve of housing construction lumber, including all 8/4 and thinner Western Pine shop including No. 3 clears and Fir shop produced, until the last day of the month following the month in which produced, for delivery on certified or rated orders. A sawmill's production of shop grades of Western Pine and Fir must be held for shipment only on certified orders from millwork manufacturers, cut-stock manufacturers or suppliers of millwork and cut-stock manufacturers. The order of precedence for filling certified and rated orders is given in paragraph (m) (1) below. When a sawmill has accepted certified or rated orders for housing construction lumber to the extent of his reserve, he need not accept additional certified or rated orders (except AAA) for housing construction lumber produced in that month. A sawmill, however, may not accept for delivery in any month orders rated MM for housing construction lumber for more than 10 percent of his reserve production of housing construction lumber for that month. Appeals for release of reserve production from the holding provisions of this paragraph will be granted only on showing of exceptional and unusual hardship. All such appeals should be filed under paragraph (m) (7) and not later than the 15th day of the month following the month in which produced.

(2) *Hardwoods.* (i) Each sawmill shall in each month manufacture that portion of all Oak and Hard Maple logs that will produce the standard Grades of 2 and 3a common lumber and that portion of all Pecan logs that will produce the standard Grades of 2 and 3 common lumber in thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment on AAA rated orders or certified orders from hardwood flooring manufacturers.

(ii) Each sawmill shall in each month manufacture at least 25 percent of that portion of all Beech and Birch logs that will produce the standard Grades of 2 and 3a common lumber in thicknesses of 5/8, 4/4 and 5/4 which shall be reserved for shipment on AAA rated orders or certified orders from hardwood flooring manufacturers.

(3) *Seasoning.* Where it is the customary practice of a sawmill to season lumber by air drying, and the lumber is properly piled for seasoning and carried in inventory for this purpose, such lumber will not be considered as produced until seasoned for the customary period.

(4) *Free movement between sawmills.* This order does not prevent the free movement of softwood or hardwood lumber between sawmills. However, a sawmill that delivers all or any part of his lumber to another sawmill must still manufacture the percentage required of his softwood or hardwood production into housing construction lumber or hardwood flooring lumber. A sawmill receiving housing construction lumber or hardwood flooring lumber from another sawmill must hold such lumber for sale on certified or rated orders in addition to his own reserve production. A sawmill delivering housing construction lumber or hardwood flooring lumber to another sawmill may credit against his reserve production the amount of housing construction lumber or hardwood flooring lumber so delivered.

(5) *Orders must be accepted or rejected promptly.* A sawmill must accept or reject certified or rated orders, in writing within 5 days of receipt. Reasons for rejection of a certified or rated order must be stated.

DISTRIBUTORS

(d) *Distributors.* The following provisions tell how distributors may place certified orders for housing construction lumber and how lumber so obtained may be sold:

(1) Any distributor may place certified orders for delivery each month for housing construction lumber with his supplier for one of the following amounts, whichever is greater: (i) an amount of housing construction lumber not exceeding 5 percent of the amount in footage of his inventory of all softwood lumber as of January 1, 1942, or (ii) two carloads of housing construction lumber in any calendar quarter at the rate of not more than one carload in any month of the quarter, or (iii) 133⅓ percent of the amount of housing construction lumber called for by certified or rated orders accepted by the distributor for delivery in the month in which delivery is requested of the sawmill but not in excess of 13 percent of the distributor's inventory in footage of softwood lumber on January 1, 1942.

(2) Every distributor placing certified orders for more than two carloads a quarter or importing more than two carloads of housing construction lumber a quarter, must reserve until the end of the month following receipt, 75 percent of all housing construction lumber received on certified orders and 75 percent of all housing construction lumber he imports, for delivery only on certified and rated orders. Thus, lumber received on certified orders or imported in October must be held for certified and rated orders until the last day of November.

(3) Every distributor placing certified orders for two carloads or less a quarter or importing two carloads or less of housing construction lumber a quarter, must reserve until the end of the month 75 percent of all housing construction lumber received on certified orders and 75 percent of all housing construction lumber he imports, for delivery only on certified and rated orders.

(4) Every distributor must include in the 75 percent reserved all Western Pine shop including No. 3 clears and Fir shop lumber for sale only to millwork and cut-stock manufacturers or their suppliers on certified or rated orders. A distributor, however, may not accept for delivery in any month orders rated MM for more than 10 percent of the housing construction lumber reserved in that month.

(5) A distributor may not use a rating (except AAA) to get housing construction lumber from a supplier to fill rated orders for housing construction lumber, and he may not use a rating (except AAA) to replace in inventory housing construction lumber delivered from inventory on rated orders.

(6) A distributor who has received a rated order for millwork or residential hardwood flooring may extend the rating to his suppliers to get millwork or residential hardwood flooring which he will deliver on that order. If a distributor has made delivery of millwork or residential hardwood flooring on a rated order, he may extend the rating to his suppliers to replace it in his inventory subject to applicable inventory regulations.

OFFICE WHOLESALER

(e) *Office wholesaler.* An office wholesaler who buys lumber for resale without stocking it, receiving certified or rated orders for housing construction lumber, hardwood flooring lumber, mill-

work or residential hardwood flooring, may place certified orders with, or may extend the rating to, his supplier for direct mill shipment on such orders in not less than carload lots in an amount not in excess of the amount called for by the certified or rated orders which he has received. Certified orders for Western Pine shop including No. 3 clears or Fir shop may be placed for delivery only to millwork and cut-stock manufacturers.

MILLWORK AND CUT-STOCK MANUFACTURERS

(f) *Millwork and cut-stock manufacturers.* The following provisions tell how millwork and cut-stock manufacturers may place certified orders for housing construction lumber and how such lumber shall be used, and the millwork and cut-stock sold:

(1) Any millwork or cut-stock manufacturer may place cerified orders for delivery in each month for housing construction lumber or cut-stock for an amount in footage not exceeding 11 percent of the amount in footage of softwood lumber consumed by him in the manufacture of millwork or cut-stock in the year 1940.

(2) A millwork manufacturer must use all housing construction lumber or cut-stock received on certified orders for the manufacture of millwork. Every millwork manufacturer must reserve 85 percent of the millwork so manufactured in any month for delivery only on certified or rated orders. However, he may not accept for delivery in any month orders rated MM for more than 10 percent of the quantity reserved in any one month.

(3) A cut-stock manufacturer must use all housing construction lumber received on certified orders for the manufacture of cut-stock. Every cut-stock manufacturer must reserve the cut-stock so manufactured for delivery only on AAA or certified orders from millwork manufacturers or their suppliers.

(4) A millwork manufacturer placing certified orders under paragraph (f) (1) above for delivery of housing construction lumber, or cut-stock, who receives a rated order (except AAA) for millwork, may not extend the rating to a supplier to get housing construction lumber.

(5) A person not authorized as a millwork manufacturer to place certified orders under paragraph (f) (1) above, who receives rated orders for millwork, may extend the rating to his supplier, except to a sawmill, to get housing construction lumber to be incorporated in the millwork which he will deliver on that order, subject to the applicable inventory regulations.

HARDWOOD FLOORING MANUFACTURERS

(g) *Hardwood flooring manufacturers.* The following provisions tell how hardwood flooring manufacturers may place certified orders for hardwood flooring lumber and how such lumber shall be used and the hardwood flooring sold:

(1) Hardwood flooring manufacturers may place certified orders for delivery each month for an amount not to exceed 10 percent of the amount of hardwood flooring lumber consumed in the manufacture of hardwood flooring in the year 1940.

(2) A hardwood flooring manufacturer shall use the hardwood flooring lumber he receives on certified orders for the manufacture of hardwood flooring. Every hardwood flooring manufacturer must reserve all residential hardwood flooring for delivery only on AAA, MM, or HH rated or certified orders. The MM rated order to be eligible must contain a statement that the hardwood flooring is to be used for Veterans, Army or Navy hospitals.

(3) Hardwood flooring manufacturers receiving rated orders for hardwood flooring may not extend the ratings (except AAA) to a supplier to get hardwood flooring lumber.

(4) HH rated or certified orders may not be used by anybody to obtain any hardwood flooring except residential hardwood flooring.

BUILDERS

(h) *Builders.* A builder (applicant) or a general contractor authorized by such builder to use the HH rating for the whole job, but not a subcontractor authorized to use the HH rating for part of the job, may place HH rated orders for housing construction lumber with a distributor, or, for not less than carload lots, with a sawmill or an office wholesaler. He may place such orders for an amount in footage not in excess of the total lumber required to meet his construction schedule for housing for which he has received priorities assistance. Rated orders may be placed with a sawmill only to the extent that other rated orders have not been placed with distributors for authorized amounts. The builder or his general contractor must order, accept delivery of and use the housing construction lumber in conformity with PR–33 and HEPR–5.

PREFABBICATORS AND HOUSE TRAILER MANUFACTURERS

(i) *Prefabricators and house trailer manufacturers.* The following provisions tell how a prefabricator or a house trailer manufacturer may place certified orders for authorized quantities of all or some of the materials covered by this order.

(1) A prefabricator or a house trailer manufacturer may place certified orders for housing construction lumber and millwork. A prefabricator, but not a house trailer manufacturer, may place certified orders for residential hardwood flooring. Such persons may place certified orders for amounts not in excess of the amounts authorized, for their quarterly production schedules on Form NHA–14–53 or CPA–4415 (for prefabricators) or Form NHA–14–44 (for house trailer manufacturers). A prefabricator or house trailer manufacturer must order, accept delivery of, and use the housing construction lumber, millwork and residential hardwood flooring in accordance with the provisions of Directions 8 and 13 to Priorities Regulation 33.

(2) A prefabricator or house trailer manufacturer may not apply or extend an HH rating for housing construction lumber, millwork or hardwood flooring.

INTEGRATED OPERATIONS

(j) *Integrated operations.* A person having integrated operations which are subject to this order must treat each operation as a separate unit. Each unit must conform to all the applicable provisions of this order.

NEWCOMERS

(k) *Newcomers.* Any person not a distributor or a millwork, cut-stock or hardwood flooring manufacturer during the base period applicable to such persons, who wants permission to place certified orders for housing construction lumber or hardwood flooring lumber, may apply to CPA by letter in duplicate stating how much housing construction lumber or hardwood flooring lumber he needs each month, proximity of his place of business to similar businesses, and any other information to help the CPA decide what amount of housing construction lumber or hardwood flooring lumber is needed by him to engage in business. Such application will be processed in an equitable manner.

CERTIFICATION ON ORDERS

(l) *Certification on orders.* (1) To certify an order the following certificate must be endorsed on or attached to the purchase order, sales ticket or other delivery orders:

"The undersigned certifies to the supplier and to the Civilian Production Administration that he is a_____and that the quantities of_____covered by this order (together with the quantities called for by all other certified orders placed with this or other suppliers for the particular material for delivery in the month specified in this order) do not exceed the amount permitted under Limitation Order L–359 with the provisions of which he is familiar.

Date_____ _____
Signature

_____
Serial Number

(2) Certificates must be signed manually or as explained in Priorities Regulation 7. However, the standard form described in that regulation may not be used in place of certificate described in this order. The certification required by this order may not be waived under paragraph (f) of Priorities Regulation 7. The Serial Number must be inserted by persons holding authorizations on Form CPA–4386, Form CPA–4415, Form NHA–14–53, Form NHA–14–56, or on Form NHA–14–44 in the place provided in the certificate. Orders placed verbally must be confirmed immediately and the confirmation must bear the appropriate certificate.

MISCELLANEOUS

(m) The following provisions generally affect all persons operating under this order and should be carefully read:

(1) *Status of certified orders.* Certified orders for the purpose of this order shall be subject to the rules for acceptance and rejection of rated orders as provided in Priorities Regulation 1 except as modified in this order. The order of precedence is (subject to any provisions limiting the quantity of orders that need be accepted) as follows:

(i) At sawmill; (i) AAA; (ii) MM; (iii) certified; (iv) CC and HH;

(ii) At a supplier other than a sawmill; (i) AAA; (ii) MM; (iii) CC, HH, and certified orders which are all three of equal value.

(2) *Extension of preference ratings.* For the purpose of this order the extendibility or ratings (except AAA) is governed by paragraphs (d), (e), (f), (g), (h) and (i) which rules supersede paragraphs (d) and (d–1) of Priorities Regulation 3. A person extending a rating must use the certificate required in that regulation.

(3) *Applicability of regulations.* Except as otherwise required by this order, Priorities Regulation 1 and 3 continue to govern the use of ratings and the acceptance, scheduling and filling of orders. All other applicable regulations and orders of the Civilian Production Administration must be observed where not inconsistent with this order.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(5) *Reports.* Every person shall file with the Civilian Production Administration, or any other federal agency designated by the Civilian Production Administration such reports and questionnaires as the Civilian Production Administration or such other agency may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(6) *Directives.* The Civilian Production Administration may issue directives requiring sawmills, millwork manufacturers, cut-stock manufacturers or hardwood flooring manufacturers or distributors to set aside specific quantities or percentages of production or shipment for persons placing certified or rated orders. CPA may also allocate production or shipment to specified persons for specified uses, and may direct how and in what quantities deliveries to specified persons or uses may be made. It may also direct distribution to particular areas and may direct or prohibit the production by any persons of particular items of lumber, millwork, cut-stock or hardwood flooring. Directives according to their terms may take precedence over rated or certified orders. They may be issued for the satisfaction of Veterans' Emergency Housing Program and other essential requirements, and in order to carry out more fully the purposes of this order.

(7) *Appeals.* An appeal from the provisions of this order should be made by mailing a letter in triplicate to the Civilian Production Administration, Forest Products Division, Washington, 25, D. C., Ref: L–359, or to the Civilian Production Administration, Portland, Oregon, Ref: L–359, when made by persons in the States of Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Colorado, Arizona, New Mexico or South Dakota, stating the particular provision appealed from and stating fully the grounds for the appeal.

(8) *Communications.* All communications unless otherwise directed must be addressed as follows: Civilian Production Administration, Forest Products Division, Washington 25, D. C.

(9) *Effective date.* This order shall become effective November 1, 1946.

Issued this 18th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–18985; Filed, Oct. 18, 1946; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[3d RMPR 183 [1], Amdt. 2 (§ 1418.1)]

CEMENT IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 2.10 is added to read as follows:

SEC. 2.10 *Cement*—(a) *Definitions.* When used in this section the term:

(1) "Cement" means standard Portland cements manufactured in Puerto Rico.

(2) "Manufacturer" means a person engaged in the production of cement. Each mill of each person producing cement shall be considered a separate manufacturer and seller.

(3) "Dealer" means a person who buys cement and resells it without substantially changing its form.

(4) "Barrel" means 376 lbs. net, equivalent to 4 bags.

(5) "Bag" means 94 lbs. net.

(b) *Maximum prices.* The maximum prices for cement shall be as follows:

	Per barrel excluding tax	Per barrel including tax
For sales by manufacturer, delivered at destination designated by purchaser	[1] $2.91	[1] $3.02
For sales by dealer in amounts of 25 barrels or over, delivered at destination designated by purchaser	2.91	3.02
For sales by dealer or retailer in amounts less than 25 barrels, ex store	3.01	3.12

[1] Less $0.10 per barrel discount for cash within fifteen days.

This amendment shall become effective October 23, 1946.

Filed this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[1] 11 F. R. 11648.

Statement of the Considerations Involved in the Issuance of Amendment 2 to Third Revised Maximum Price Regulation 183

The accompanying amendment establishes specific dollars-and-cents maximum prices for manufacturers', dealers' and retailers' sales of cement produced and sold in Puerto Rico. These prices represent the level of prices prevailing during the calendar year 1940 plus overall cost increases in costs of production since that period. Prior to this amendment, all sales and deliveries of cement were subject to the provisions of the General Maximum Price Regulation, which establishes each seller's ceilings in terms of the highest prices charged by him during April 10–May 10, 1942, to a purchaser of the same class.

Description of the industry. Cement is the most important single item in concrete structures. It constitutes 18½% of the value of all materials used in concrete constructions and is also an important material in wooden structures. Ninety-five percent of an approximate total of 14 million dollars' worth of building permits issued in Puerto Rico during the year 1945 was for concrete structures. The Insular Government contemplates a program of capital expenditures for the year 1946–47 of almost 33 million dollars and for the next six years of 160 million dollars, involving among others the construction of aqueducts, sewers, housing, airports, and harbor improvements. To meet the resultant huge demand for cement, consumers will have to depend upon insular producers. Only an insignificant amount can be expected from the United States, due to high import expenses. Imports from Europe, with production and shipping facilities there almost wiped out, will be negligible for a considerable length of time.

Pricing practices. The history of cement marketing in Puerto Rico can be divided into four periods:

(1) For at least ten years preceding 1933, European cement was the leader in price and volume in the Puerto Rican market. Thus, of all cement consumed in Puerto Rico, 68% [1] was of European origin. This was due to the practice of European producers to "dump" cement carried on a marginal basis by small Scandinavian tramp steamers searching out cargoes around the Caribbean. C. i. f. prices of $1.08 per barrel liquidated at about $1.45 per barrel at dealer's warehouse after duty, internal revenue tax, and landing and hauling expenses. The average price during this period for competing American cement was $1.75 to $1.80 per barrel.

(2) During the years 1934–38, Federal recovery programs called for large quantities of cement specified to be of American make. United States cement, under this powerful stimulus, provided about 73% of all cement consumed during this period. Yet, with insular producers still non-existent, European cement competed vigorously until the outbreak of war in Europe, accounting for almost

[1] In terms of value. Due to lower prices, the percentage in terms of volume would probably be markedly higher.

one-third of all sales during this five-year span.

(3) The year 1939 marks the beginning of the third period for two important reasons: First, within a year the European continent was overrun by the Nazi hordes and imports from Europe ceased; second, insular production of cement was started. By the end of 1939, three-tenths of the total value of cement consumed in Puerto Rico was locally produced.

(4) Due to the defense program, the submarine blockade, and the increasing difficulties and higher costs of importing United States cement, the insular cement industry (reinforced in 1942 by the entry of another producer, Ponce Cement Corporation, into the picture) experienced a rapid growth. The favorable position in which insular producers found themselves almost since birth is illustrated by the fact that out of 23 million dollars of cement sold in Puerto Rico from 1938 to 1946, 19 million or 81% of all sales consisted of locally produced cement. The following table shows the percentages of all cement consumed in Puerto Rico from July, 1923, to February, 1946:

ORIGIN

	U. S.	Europe	Insular
1923–28	32.0	68.0	0
1928–33	29.0	71.0	0
1934–38	73.0	27.0	0
1939–43	53.0	5.0	62.0
July 1943–Feb. 1946	0.2	0.0	99.8

Source: Insular Department of Agriculture and Commerce.

Prices for insular cement were geared from the beginning to the c. i. f. cost of American cement. Virtually protected against continental imports, the two local producers were in an extremely favorable position. Although the import cost factor did not affect them at all, the rapidly rising import prices were reflected in correspondingly higher prices for native cement.

Price trends. The following table, derived from the Office of Price Administration study, shows the trend of prices to dealers charged by the Puerto Rico Cement Company from 1939 to May 10, 1942:

	Weighted arithmetic mean	Median	Mode	Price range during period: lowest-highest
Jan.-Dec. 1939	1.815			
Jan.-June 1940	1.986	1.90	1.90	1.90–2.27
July-Dec. 1940	2.32	2.40	2.18	1.93–2.56
Jan.-Dec. 1941	2.83	2.88	2.88	2.40–3.17
Apr. 10-May 10, 1942	$3.40			

Average costs of production for Puerto Rico Cement Corporation show the following trends:

Year:	*Dollars per barrel*
1939	1.389
1940	1.547
1941	1.520
1942	1.720

It can be seen that the upward movement of prices bore no relation to the costs of production of the Puerto Rico Cement Corporation. The state of the market can be gathered from the index of cement prices, computed from prices actually paid by the public regardless of origin and brand. The yearly averages are as follows:

1939	$2.13
1940	2.72
1941	3.23
Apr. 15, 1942	4.63
Apr. 30, 1942	5.04
May 15, 1942	4.85

Under this exceptionally favorable situation, the cost-price ratios achieved by the Puerto Rico Cement Corporation since 1939 are, as would be expected, entirely different from those of the industry in the continental United States, as indicated by the following comparative table:

	Ratio of net profit before income taxes to net sales		Ratio of net profit before income taxes to net worth	
	U. S.	P. R.	U. S.	P. R.
1936	14.6	(1)	7.4	(1)
1937	10.9	(1)	5.7	(1)
1938	6.6	(1)	3.2	(1)
1939	14.2	23.4	8.1	9.9
1940	12.0	14.0	9.2	6.4
1941	13.2	36.5	14.9	22.9
1942	-------	36.9	-------	23.0
1943	-------	33.8	-------	32.0
1944	-------	27.2	-------	21.4
1945	-------	22.5	-------	20.2

[1] Nonexistent

Justification of the prices established; manufacturers' prices. In 1940 the Puerto Rico Cement Company was selling on any f. o. b. plant basis. In October of that year its weighted average net selling price f. o. b. plant, ex tax, was about $2.23 per barrel. This average includes sales to all classes of customers weighted by the volume they then bought, and it has been used as the basis for the calculation of specific maximum prices. Such specific prices are necessary in order to reduce the relative uncertainties of freeze controls at the dealer level, to provide a precise legal and economic basis for the prices charged by the Ponce Cement Company (a firm not in business in 1940) and to reflect in the Puerto Rico Cement Company's prices no more than its unit cost increases from 1940 to 1945.

In 1940 the Puerto Rico Cement Company was selling to various classes of customers (Puerto Rico Reconstruction Administration, Insular government, municipalities, war and navy, Federal agencies, dealers, consumers) in proportions radically different from those recently experienced and prospectively to be encountered. Its 1940 prices to various classes of customers varied widely because of contractual obligations and commercial opportunities at that time and costs of service. Gross profit margins were ostensibly different from one to another class of customer, but net profit margins for each class at that time cannot be determined by accounting analysis.

Because the composition of demand has changed—some classes being less, some more important, volume-wise, today than in 1941—net prices of that period have been averaged in order to obtain a representative base from which to adjust prices. It is believed that this method will serve as an adequate foundation for the protection of the company's profit position at the same time that it will accurately reflect the price paid by the public generally in October 1–15, 1940.

From 1940 to June 1946 Puerto Rico Cement Company's unit cost has increased $0.25157 per barrel. This increase has been added to the 1940 average net selling price, ex tax, f. o. b. plant. To conform with the requirements of the new Price Control Act, further price adjustments are rendered necessary until the maximum price of the commodity on the average equals its "average current cost plus a reasonable profit." The index of reasonable profit is provided by the ratio of profits to net worth for the period 1936–1939. In the case of P. R. Cement Company, the 1939–1940 period is used, inasmuch as the company commenced production in 1939.

After the 1940–46 increase was added to the 1940 average net selling price, the margin yield per unit in terms of production volume for the first six months of 1946 was found to represent a ratio of 3.77% of profits to the net worth as of June 30, 1946. Such ratio is raised to the 1939–40 level of 8.12%, and applied to the net worth as of June 30, 1946, by raising the margin of profit per unit by $0.28, which finally establishes the net f. o. b. ceiling.

The unit factor added to the 1940 price is added to the weighted average net selling price. The basis therefor lies on the finding that the net cost of production in 1940 was not the cost of production for a single class of customers but for all customers.

The Ponce Cement Company entered the field in October, 1942. It adopted the f. o. b. plant ceilings of its only competitor on the Island, the Puerto Rico Cement Company. This was legally justified by the terms of the General Maximum Price Regulation, but the economic justification is hard to develop fully because transportation costs constitute so large an element of prices for cement. The same f. o. b. prices of two competing plants differently placed with respect to all markets served and subject to varying additions for freight, invariably result in different, and in some instances noncompetitive, prices to the buyer.

It has been the experience in the States that, in order to assure themselves of entrance into a market supplied by any given manufacturer, on terms roughly equal to those offered by that given manufacturer, competitors have in a normal market sought to quote prices on a delivered basis equal to the delivered costs of a competitor's product. Resolving this problem has led to an industry practice of quoting delivered prices for any given area in which a producer wishes normally to sell a part of his output. Without examining the ultimate economic merits of this practice, we observe that as soon as the Ponce Cement Company began to sell in markets theretofore supplied by the Puerto Rico Cement Company, it began, and

forced the latter to begin, to quote delivered prices. It was not a pre-war practice; it was a development during the war. Because the practice permits each company to compete in the other's territory and because it permits the Office of Price Administration easily to fix uniform prices for both sellers, that method of pricing has been adopted in calculating the ceilings established by this amendment.

In a normal market we may assume that if the Ponce Cement Company were to enter a market supplied by the Puerto Rico Cement Company, it would have to adopt the latter's prices. Taking this norm as our guide, the recommended f. o. b. plant prices found fair and equitable for the latter, after adjustment to allow for representative transportation costs, have been applied to sales by the former. Our examination of the Ponce Cement Company's current costs indicates that such prices will allow it an ample profit incentive.

Ponce is also an important market. Although the production costs of the Ponce Cement Company, which would normally serve this area, are lower than those of its competitor, the Ponce Cement Company will secure a lower realization on sales in its competitor's market area, San Juan. This disadvantage will, in a measure, be compensated by allowing in Ponce the San Juan price.

Dealers' prices. The shortage of cement in the General Maximum Price Regulation base period caused widely varying prices, most of them speculative, and therefore, widely varying markups. Before the war began, however, the markups hovered around two to three percent of selling price ex wharf. Five to seven percent was considered a good markup for sales ex store. Before the war, dealers sold ex warehouse and ex wharf (for American cement). Today they can either sell ex warehouse or consummate sales by merely ordering from a plant which makes deliveries in truck-lots or more. The recommended dealers' prices, ex tax, are:

In amounts of 25 barrels or over	$2.91
In amounts of less than 25 barrels	3.01

These prices will, if the 10-cent a barrel cash discount is taken as it habitually has been, yield a markup of 10¢ per barrel on truck-lots and 20¢ per barrel for sales in less than truck-lot quantities.

Prior to the issuance of this amendment, the Price Administrator has consulted with industry representatives and has given consideration to their recommendations.

In the light of these considerations, the Price Administrator finds that the prices established by the accompanying amendment are generally fair and equitable and otherwise consistent with the standards of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46—18836; Filed, Oct. 18, 1946; 8:50 a. m.]

PART 1305—ADMINISTRATION

[SO 132, Amdt. 65]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order 132 is amended by adding the following commodity to those listed in section 2 (a) (3):

Coffee (green and roasted imported and domestic)—From: October 17, 1946. Termination date.

This amendment shall become effective October 17, 1946.

Issued this 17th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amdt. 65 to SO 132

On October 7, 1946 the Industry Advisory Committee of the Coffee Industry petitioned formally for the decontrol of coffee on the basis that the supply is in approximate balance with the demand (including appropriate inventory requirements). After full examination of all of the evidence presented by the committee and additional data on file in this office, the Administrator determined that the petition should be granted and has issued a letter order to the Advisory Committee granting the petition. This amendment therefore suspends the commodity involved in the petition from price control in conformity with the request contained in the petition.

[F. R. Doc. 46-18925; Filed, Oct 17, 1946; 4:27 p. m.]

PART 1305—ADMINISTRATION

[SO 132, Amdt. 66]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respects:

1. In section 1 (b) the following domestic and imported commodities are added in alphabetical order:

Apple pectin pulp.
Babassu oil meal.
Copra oil meal.
Corn bran.
Corn germ cake and meal.
Corn gluten feed and meal.
Corn oil cake and meal.
Corn screenings.
Cottonseed hulls and hull bran.
Cottonseed products as defined in Supplement 1 to Food Products Regulation 3.
Dried beet pulp.
Brewers dried products as defined in Maximum Price Regulation No. 526.
Distillers dried products as defined in Supplement 9 to Food Price Regulation 3.
Fish meal and scrap.
Feed screenings.
Hominy feed.
Linseed products as defined in Supplement 5 to Food Price Regulation 3.
Mixed feeds for animals and poultry as defined in Maximum Price Regulation No. 585.
Oat mill byproducts as defined in Supplement 10 to Food Price Regulation 3.
Ouricuri oil meal.
Palm kernel oil meal.
Peanut products as defined in Supplement 7 to Food Price Regulation 3.
Rice milling byproducts as defined in Second Revised Maximum Price Regulation No. 150.
Sesame oil meal.
Soybean products as defined in Supplement 3 to Food Price Regulation 3.
Wheat millfeeds.
Barley products for feeding purposes.

2. Section 1 (g) is added to read as follows:

(g) The following items in the fats and oils category:

Cooking and salad oils (domestic and imported).
Corn oil (domestic and imported).
Cottonseed oil (domestic and imported).
Mayonnaise, salad dressing and other dressing products (domestic and imported).
Oleomargarine (domestic and imported).
Peanut oil (domestic and imported).
Shortening (domestic and imported).
Soybean oil (domestic and imported).

3. Section 1 (h) is added to read as follows:

(h) The following items in the grains category:

Flaxseed (domestic and imported).
Soybeans (domestic and imported).

This amendment shall become effective as of 12:01 a. m., October 17, 1946.

Issued this 17th day of October 1946.

PAUL A. PORTER,
Administrator.

APPROVED: October 16, 1946.

N. E. DODD,
Acting Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of SO 132, Amendment 66

The accompanying amendment to Supplementary Order 132 removes from price control all by-product feeds and mixed feeds, edible oils and edible oil products. It also removes soybeans and flaxseed from price control.

This action flows directly from the removal of price control from livestock. With the removal of livestock from price control, all feed consuming animals are now out of control. Therefore, with the actual and anticipated price increases on livestock, it is certain that protein feeds would be fed inefficiently and wastefully because of the favorable feeding ratio that would exist. It is, therefore, deemed necessary to remove controls on all by-product feeds and mixed feeds to allow the maintenance of a proper price relationship and proper feeding.

As a result of the decontrol of livestock and food or feed products made in whole or substantial part from livestock, lard and edible tallow are not subject to price control. There has usually been a price relationship between these items on the one hand and edible vegetable oils on the other hand which would be completely distorted by an expected sharp upward movement in lard prices and a maintenance of controls on vegetable oils. The movement of lard prices would make it virtually impossible to maintain controls on peanut oil, corn oil, cottonseed oil and soybean oil. With the removal of controls on these items, it would be virtually impossible to maintain controls on cooking and salad oils, mayonnaise and salad dressing, oleomargarine and shortening, all products which are made entirely or primarily from the aforementioned oils.

As a result of the removal of soybean products from price controls the need for maintenance of controls on soybeans is no longer present. Therefore, controls are being eliminated on soybeans. Also, as a result of removing the by-product feeds which include linseed products, other than linseed oil, controls on flaxseed, the one remaining domestic grain under control are being removed.

[F. R. Doc. 46-18927; Filed, Oct. 17, 1946; 5:11 p. m.]

PART 1305—ADMINISTRATION

[SO 126, Amdt. 58]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. Section 10 (p) is added to read as follows:

(p) Tennis ball cover fabric composed of woven wool felts.

This amendment shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 58 to Supplementary Order No. 126

The accompanying amendment suspends price control on tennis ball cover fabric composed of woven wool felt.

Tennis ball cover fabric is a specially designed woven woolen cloth used exclusively as a covering for tennis balls. Tennis balls have been exempted from price control by section 2 (e) of Supplementary Order No. 126. The looms used in the production of tennis ball cover fabric are specially designed heavy felt looms not economically or physically capable of adaptation to the production of apparel fabric. The wools used are fairly low in grade, ranging from 44's to 58's, and are in plentiful supply. The Administrator has been advised that the total gross sales value of tennis ball cover fabric produced each year does not exceed $700,000.

The product suspended by this action is not considered to be a commodity but is in fact an item within a commodity or class of commodities. No determination has been made at this time that the commodity group to which this product belongs is not important in the cost of living or business costs. The Price Administrator has, nevertheless, selected this product out of its commodity group for suspension at this time because (a) it is insignificant in relation to the class of commodities to which it belongs; (b) its special end uses are different from the end uses of the other products within its commodity group and are unimportant in the cost of living and business costs; (c) the administrative burden involved in processing applications for adjustment in the event a maximum price for this product is maintained is disproportionate in relation to the effectiveness of controls or the contribution to stabilization and (d) suspension from price control will not result in any cumulative and dangerously unstabilizing effect.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended.

[F. R .Doc. 46-18970; Filed, Oct. 18, 1946; 11:23 a. m.]

PART 1305—ADMINISTRATION

[SO 126[1], Amdt. 59]

EXEMPTION AND SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. A new paragraph (i) is added to section 8 to read as follows:

(i) *Harness, saddlery and riding equipment as follows:*

Harness and parts.
Saddlery and riding equipment.
The following allied lines:
- Whips and crops, including lashes, butts and stocks.
- Collar pads.
- Saddle pads or saddle blankets.
- Horse blankets.
- Fly nets for horses.
- Saddle trees, covered or uncovered.
- Stirrups.
- Nose bags for feeding animals.
- Turf goods (except human apparel and human footwear), limited to the following items: horse clothing and covers; horse boots; soaking swabs, ankle rattlers, and rolls; weight pads; toe weights; girth covers; tail holders and protectors; head bumpers; bibs; muzzles; hopples and hopple spreaders; leather numbers; neck cradles; stallion shields, rings, guards and supports; and repair parts for all items listed above under turf goods.

This amendment shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 59 to Supplementary Order No. 126

The accompanying amendment adds a number of items to the articles which are suspended from price control under Supplementary Order No. 126.

Harness and parts, saddlery and riding equipment constitute commodities which are suspended from price control because (a) they are not important in relation to business or living costs and (b) suspension from price control will not result in any cumulative and dangerously unstabilizing effect.

The products listed as "allied lines," suspended by this action are not considered to be commodities, but are in fact items grouped within a commodity or class of commodities. No determination has been made at this time that the respective commodity groups to which these products belong are not important in the cost of living or business costs. The Price Administrator has, nevertheless, selected these products out of their respective commodity groups for suspension at this time because (a) they are insignificant in relation to the class of commodities to which they belong; (b) the administrative burden involved in processing applications for adjustment in the event maximum prices for these products are maintained is disproportionate in relation to the effectiveness of controls or the contribution to stabilization; (c) suspension form price control will not result in any cumulative and dangerously unstabilizing effect and (d) their special end uses are different from the end uses of the other products within the respective commodity groups and these items are unimportant in the cost of living and business costs.

The increases in prices which may occur after suspension of these items will have very little effect on unit costs of the producers who use any of these items, which are quite durable. With respect to the small amount of such items which are purchased by the ultimate consumers to be used for purposes other than in connection with the operation of a business or occupation, it is obvious that these items are not significant in the average family budget.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18971; Filed, Oct. 18, 1946; 11:24 a. m.]

PART 1305—ADMINISTRATION

[SO 160,[1] Amdt. 10]

INDIVIDUAL ADJUSTMENTS TO MAINTAIN NORMAL PEACETIME EARNINGS FOR CERTAIN INDUSTRIES

A statement of the considerations involved in the issuance of this amend-

[1] 11 F. R. 8115, 8675, 8772, 9277, 9351.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order 160 is amended in the following respects:

1. Paragraph (c) is added at the end of section 4 to read as follows:

(c) You will also be required to use your most recent quarterly statement as outlined in the two immediately preceding paragraphs when a substantial shift has occurred in the sales volume of any item. For the purpose of this section a substantial shift in the volume of an item will be considered to have occurred when the ratio of net sales on any item to total sales has changed by 15 percentage points or more. Thus, if an item which in 1945 constituted 25% of your total sales and in any recent quarterly accounting period has either increased to 40% or more of total sales or decreased to 10% or less of total sales, then you will be required to use your profit-and-loss statement of the most recent three-month period.

This amendment shall become effective October 23, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of Considerations Involved in the Issuance of Amendment 10 to Supplementary Order 160

This action defines a third condition under which the 1945 profit and loss statement will be considered unrepresentative for the purposes of S. O. 160, section 4 of the order is amended to provide for the use of the most recent quarterly statement where there has been a substantial percentage shift in the sales of any major product during 1946.

In general, there are two ways in which such a shift may affect the relief allowed by the order: (1) The relief obtained may be excessive as a result of a substantial decline in the sales of a product on which cost increases were relatively greater than on other products, or (2) the relief obtained may be inadequate where there has been a substantial decline in sales of a product on which there have been no cost increases or upon which the cost increases have been relatively lower.

An example of the first case would be certain products using cotton as a raw material. Where sales of the cotton-base product decline and sales of the product using substitute materials increase, the relief granted is likely to be excessive in view of the sharp increases in the price of cotton, and a corresponding decline in the availability of cotton for certain converting purposes.

It is impossible to say whether the shift to substitute materials has resulted generally in increased costs or whether it has not more often resulted in lower costs and a deteriorated product. However, it is the purpose of this amendment to avoid the inequities that may result wherever the shift occurs.

Accordingly, it has been determined that this amendment is consistent with, and will effectuate the purposes of, the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18972; Filed, Oct. 18, 1946; 11:24 a. m.]

PART 1340—FUEL

[MPR 112, Amdt. 24]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 112 is hereby amended in the following respects:

Section 1340.200 (a) (5) is amended as follows:

In the table of maximum prices the words "or Wiconisco" are inserted after the word "Williamstown" and before the word "breaker."

This amendment shall become effective October 23, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of Considerations Involved in the Issuance of Amendment No. 24 to Maximum Price Regulation No. 112

On September 12, 1946, Franklin-Lykens Coal Company filed a petition for an amendment to § 1340.200 (a) (5) of Maximum Price Regulation No. 112 which would authorize it to sell Pennsylvania anthracite prepared at its newly constructed breaker located at Wiconisco, Pennsylvania, and sold under the trade name "The only genuine Franklin coal of Lykens Valley" at the maximum prices applicable to the same anthracite when prepared at its Williamstown breaker, now obsolete.

The anthracite presently prepared at the Williamstown breaker is one of those priced under the exceptions in the price schedule. The reasons for the establishment of these exception prices are fully set forth in the statement of considerations accompanying Amendment No. 4 to Maximum Price Regulation No. 112. Said Statement is by reference, therefore, incorporated herein.

It appears, as alleged, that the applicant will produce the same or similar anthracite from the same property or veins, and of the same quality as that formerly prepared at its Williamstown breaker; and that the only difference is one of preparation at another breaker. The Administrator has concluded, therefore, that in view of the considerations prompting the issuance of said Amendment No. 4 by which applicant's maximum prices were previously established, and the fact that applicant will produce the same anthracite, the requested maximum prices should be established at the levels of presently effective maxima. This is done by the accompanying amendment. It inserts in the schedule the name of the new breaker at Wiconisco, thereby permitting applicant to continue the sale of its anthracite at present maximum prices; and it also affords applicant an opportunity to reconstruct its Williamstown breaker as requested by the petition.

In the judgment of the Administrator, the action taken is necessary to promote the distribution of Pennsylvania anthracite and is in accordance with the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18973; Filed, Oct. 18, 1946; 11:24 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 165]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 120 is hereby amended in the following respects:

1. In § 1340.213 (b), subparagraphs 3, 4, 5 and 6 are redesignated (3), (4), (5) and (6), respectively.

2. Section 1340.213 (d) is added to read as follows:

(d) *Special price instructions.* (i) In the case of a railroad car shortage which prevents or unreasonably delays shipments of bituminous coal by rail, a producer who has orders for coal customarily shipped by rail may divert such tonnage to truck shipment or such part thereof as is necessary to preserve the continuity of distribution and charge an amount not exceeding the applicable per net ton maximum price for rail shipment in lieu of the maximum price for truck shipment; provided, that not later than the 20th day of each month the producer files with the Office of Price Administration, Fuels Branch, Washington 25, D. C., a report of the tonnages diverted from rail to truck shipment showing the name and address of each purchaser receiving such shipments and a certification that at the time of such shipment a railroad car shortage existed at his mine.

(a) Each invoice issued in connection with sales made under this paragraph shall indicate that the rail price is being charged in lieu of the truck price under the authority of § 1340.213 (d) (i) of Maximum Price Regulation No. 120.

(b) No sales of coal may be made by any person under this paragraph (d) (i) after March 31, 1947.

This amendment shall become effective October 18, 1946.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administration.

Statement of Considerations Involved in the Issuance of Amendment No. 165 to Maximum Price Regulation No. 120

The maximum prices for truck shipped coal in District No. 2 generally, due to historical pricing practices, have been established at levels lower than those for the same coal when shipped by rail. Bituminous coal producers in District No. 2 have filed an application for an amendment to Maximum Price Regulation No. 120 authorizing rail maximum prices to be charged for truck shipped coal which normally would be shipped by rail but, due to the existing railroad car shortage, has been diverted to truck shipment.

An investigation of the matter reveals that most of the particular coal moves to industrial users; that increased tipple loading costs will be sustained by the producer upon such a change in shipment; that the requested relief would permit no greater return on sales made at the requested maximum prices than could be obtained on sales by rail shipment at the present applicable maximum prices for rail shipment; and that no increase in the cost of living would result, therefore, from the permission to charge the requested maximum prices. In view of the foregoing, and since the proposed diversion from rail to truck shipment may very well alleviate the present railroad car shortage and thereby promote continuity in the distribution of District No. 2 coals, the Administrator deems it advisable to provide temporary price relief to meet the pending emergency. To this end, the accompanying amendment is issued. This is done after consultation with the Industry Advisory Committee for District No. 2 and Solid Fuels Administration of the Department of the Interior.

The amendment is designed to meet the needs of any individual producer. Although it is general in scope, it may only be applied upon the condition that the producer will file a monthly report with the Office of Price Administration setting forth the tonnages diverted during the preceding month and certify that at time of shipment railroad cars were not available at his mine. The amendment also limits the relief to April 1, 1947. It is believed that by that date the emergency should be met.

In addition to the foreging, the amendment effects certain changes in paragraph designations which, by inadvertence, were incorrectly inserted in the schedule by Amendment No. 161 to Maximum Price Regulation No. 120.

It is the opinion of the Administrator that the action taken is necessary to promote the distribution of bituminous coal and is in accordance with the purposes of the Price Control Extension Act of 1946 and the applicable Executive orders of the President.

[F. R. Doc. 46-18974; Filed, Oct. 18, 1946; 11:25 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 272, Corr. to Amdt. 12]

CAST-IRON BOILERS AND CAST IRON RADIATION

Amendment 12 to Maximum Price Regulation 272 is corrected in the following respects:

1. In Column II of the table in § 1346.268 (d) (1) (ii) the figure "55" is deleted and the figure "56" is inserted in its stead.

2. In Column II of the table in § 1346.268 (d) (4) the figures "54" and "55" are deleted and the figures "56" and "54," respectively, are inserted in their stead.

This correction shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-18980; Filed, Oct. 18, 1946; 11:26 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Supp. 20 (§ 1351.487)]

CERTAIN FRUIT PRESERVES, JAMS AND JELLIES AND APPLE BUTTER (1946 AND AFTER)

A statement of the considerations involved in the issuance of this supplement has been issued and filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

Sec.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. *Explanation of the supplement.* (a) This supplement establishes maximum prices for sales of the flavors of fruit preserves, jams and jellies listed in section 4 (a), and of apple butter, by all persons except wholesalers and retailers (wagon wholesalers, however, are included). However, sales and deliveries of products covered by this supplement by a processor in any calendar year in which his total volume of sales of the products does not exceed 500 quarts (or an equivalent amount in other container sizes) are not subject to the maximum prices or other requirements imposed by this supplement or any other maximum price regulation.

(b) This supplement applies in the 48 States of the United States and the District of Columbia.

(c) This supplement supersedes the provisions of all other maximum price regulations as to the commodities and sellers covered.

However, all maximum prices authorized by orders issued under section 8 (c) of Supplement 15[2] and all maximum prices automatically authorized upon the expiration of the 30-day period specified in that provision shall remain in effect as maximum prices under this supplement, unless changed by the Office of Price Administration by order or by this supplement.

(d) This supplement becomes effective October 18, 1946.

SEC. 2. *Applicability of Food Products Regulation No. 1.* Important: Not all of the provisions affecting the maximum prices of the designated flavors of fruit preserves, jams and jellies and of apple butter are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 1, and they are just as much a part of this supplement as if they were printed here. The "Explanation of the Regulation" is also a part of this supplement.

The particular sections of Food Products Regulation No. 1 which are applicable to this supplement are listed at approprate places in the following provisions (in each case the section number set forth in parentheses is the appropriate section number of Food Products Regulation No. 1). When any applicable section of the regulation is amended, the amendment also is applicable to this supplement.

SEC. 3. *Definitions.* (a) When used in this supplement, the term:

(1) "Fruit preserves and jams" means any viscous or semi-solid food obtained by concentrating a mixture of fruit and saccharine ingredients in which the fruit ingredient is not less than 45 parts and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Preserves, Jams, issued under the Federal Food, Drug, and Cosmetic Act of 1938 and printed in the Federal Register on September 5, 1940.[3]

(2) "Fruit jellies" means any semi-solid food of gelatinous consistency obtained by concentrating, by the application of heat, a mixture of fruit juice or diluted or concentrated fruit juice and saccharine ingredients, in which the fruit juice is not less than 45 parts by weight and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Jellies, issued under the Federal Food, Drug, and Cosmetic Act of

[1] 9 F. R. 6711; 10 F. R. 11298, 12446; 11 F. R. 480.

[2] 10 F. R. 14437; 11 F. R. 402, 3254, 4239, 6979, 11072.

[3] 5 F. R. 3554.

1938 and printed in the Federal Register on September 5, 1940.[4]

(3) "Apple butter" means the smooth, semi-solid food having a characteristic apple flavor obtained by cooking a mixture of the strained edible portion of apples and saccharine ingredients, consisting of not less than 5 parts, by weight, of apple ingredient (calculated on a fresh fruit basis using an average percentage of soluble apple solids of 13.7 percent) to 2 parts, by weight, of saccharine ingredients. The product may be prepared with or without any of the following: Apple juice, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid and salt. Saccharine ingredients may be any of the following: (i) Sugar, (ii) invert sugar sirup, (iii) brown sugar, (iv) invert brown sugar sirup, (v) honey, (vi) corn sirup, (vii) any combination of two or more of (i), (ii), (iii), (iv), (v) and (vi), but if honey is a component the weight of its solids is not less than ⅔ of the weight of the solids of the combination; or (viii) any combination of corn sugar or dextrose and (i), (ii), (iii), (iv), (v), (vi), or (vii), but if honey is a component the weight of its solids is not less than ⅔ of the weight of the solids of the combination. Apple butter is further defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Fruit Butters, issued under the Federal Food, Drug, and Cosmetic Act of 1938[5] and published in the Federal Register on September 5, 1940.

(4) "Fruit", as applied to fruit preserves, jams and jellies, includes berries.

(5) "Variety" means a kind of fruit or berry.

(6) "Basic wage rate" means the single rate or established range of rates applicable to a given job classification for straight time, day operation as included in the basic wage rate schedule covering all job classifications in a factory.

(b) The definitions of the following terms, set forth in the designated sections of Food Products Regulation No. 1, are applicable to this supplement:

"Person" (section 1.1 of FPR 1).
"Processor" (section 1.2 of FPR 1).
"Distributor" (section 1.3 of FPR 1).
"Repacker" (section 1.4 of FPR 1).
"Wholesaler" and "retailer" (section 1.6 of FPR 1).
"Ultimate consumer" (section 1.7 of FPR 1).
"Item" (section 1.8 of FPR 1).
"Container type" (section 1.9 of FPR 1).
"Sale" (section 1.10 of FPR 1).
"Price" (section 1.11 of FPR 1).
"Records" (section 1.14 of FPR 1).

ARTICLE II—PRICING PROVISIONS

SEC. 4. *Maximum prices for sales of fruit preserves, jams and jellies by processors*—(a) *Flavors covered by this supplement and general explanation of pricing methods.* The flavors of fruit preserves, jams and jellies covered by this supplement are those processed from the following varieties of fruit:

Apple	Crabapple
Apricot	Grape
Guava	Prune
Peach	Quince
Pineapple	Tomato
Plum	

Also covered are mixed flavors processed from any two or more of the varieties of fruit listed above, or flavors processed from any one or more of the fruits listed above and mixed with one or more berry or cherry flavors.

The processor shall figure a maximum price for each factory at which he proceses the item being priced. (However, he may then elect to combine prices as provided in section 9 (e), below.)

(b) *General rule for pricing items sold during the applicable 1941 base period and for which maximum prices were figured under section 6a on the basis of prices figured under section 4 (b) or 4 (c) of Supplement 15.* In general, this paragraph applies to the pricing of items for which the processor established maximum prices under the provisions of section 6a on the basis of prices figured under section 4 (b) or 4 (c) of Supplement 15 to Food Products Regulation 1. If the processor figured a price under section 4 (b) or 4 (c) of Supplement 15 but did not refigure a price under section 6a of that supplement, he shall refigure his price under said section 6a before figuring a price under this supplement. Any processor who figured his maximum price under section 4 (b) or 4 (c) of Supplement 15 by adjusting for raw material in accordance with section 4 (d) of that supplement, in figuring his maximum price under this paragraph, shall adjust for raw material in accordance with paragraph (c), below.

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the maximum price figured under section 6a of Supplement 15.* The processor shall use as his starting point the maximum price for sales of the item to purchasers other than government procurement agencies, as required to be figured under section 6a of Supplement 15 on the basis of a price figured under section 4 (b) or 4 (c) of that supplement.

If a processor figured a maximum price under section 4 (b) or 4 (c) of Supplement 15 but did not refigure his maximum price under section 6a of that supplement, he shall determine what his maximum price for the item would have been under that section and shall use that price as his starting point under this paragraph. (He is not required to file the report specified in section 6a.)

(2) *Subtract the amount of adjustment for approved increases in basic wage rates since January 1, 1944.* Next, the processor shall subtract the amount of any adjustment for approved increase in basic wage rate which he figured under section 4 (b) (7) or 4 (c) (6) of Supplement 15.

(3) *Subtract the 1945 fruit cost figured under Supplement 15.* Next, the processor shall subtract the 1945 cost of fruit per dozen containers or other unit as required to be figured under section 4 (b) (6) or 4 (c) (3) of Supplement 15. The deduction shall include any transportation charges reflected in his 1945 fruit cost figured under Supplement 15.

(4) *Add the new fruit cost.* Next, the processor shall add to the resulting figure his weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, after conversion to cents per unit of the finished product. In figuring the weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, the processor shall base his calculations on the price actually paid for all frozen, packed or fresh fruits, plus the amount of any transportation charges actually incurred by him from his supplier's shipping point to the processor's factory. However, for all frozen and packed fruits which were subject to maximum prices at the time of purchase, the price paid shall not exceed the maximum price which the processor's supplier or suppliers were entitled to charge him under the supplement to Food Products Regulation 1, or other maximum price regulation, applicable at the time of purchase, in the respective sales by which they were acquired by the processor, plus the amount of any transportation charges actually incurred by the processor from the supplier's shipping point to the processor's factory.

"Packed fruit" as used in this subparagraph (4), refers to fruit that has been canned or otherwise processed, but does not include frozen fruit.

(5) *Adjust for increased cost of sugar and corn sirup.* Next, at such time as he has incurred an increase in the cost of sugar or corn sirup used in processing an item, the processor shall add the increased cost of sugar or corn sirup converted to cents per unit of the finished product for the sugar or corn sirup actually used by him in that portion of the item which is processed from sugar or corn sirup for which he has incurred an increased cost. However, his increased cost of sugar or corn sirup, shall not exceed $.016 per pound increase for cane and beet sugar, $.0327 per pound for corn sugar and $.0242 per pound for corn sirup. The processor shall be deemed to have incurred an increase in the cost of sugar or corn sirup only at such time as he has no inventory of cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946, and has no inventory of any portion of the item processed with cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or processed with corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946.

When the processor meets the conditions for figuring an increase in the cost of sugar (or an additional increase) after he has established a maximum price in accordance with section 12 (h), he may

[4] 8 F. R. 3558.
[5] 8 F. R. 3561.

refigure his maximum price (notifying his customers as required by section 12 (d)).

(6) *Adjust for approved increase in basic wage rate since January 1, 1944.* Finally, the processor shall figure the adjustment for approved increases in basic wage rate if he has incurred an increase in basic wage rate which is approved by the Wage Stabilization Board (or which is deemed Approved under Executive Order 9697,[6] under the Supplementary Wage and Salary Regulations[7] issued by the Office of Economic Stabilization, or under any official order pursuant thereto), and if the increase becomes effective after January 1, 1944. An increase in basic wage rate will be considered to have occurred only if the single rate (or mid-point of the range of rates) for unskilled female labor paid on a straight-time basis has been increased since January 1, 1944; or if the processor has no unskilled female labor paid on a straight-time basis, if the single rate (or mid-point of the range of rates) for that class of labor for which he had the largest number of employees paid on an hourly basis, on his pay roll for the pay period during 1943 for which he had the largest number of employees, paid on an hourly basis, has been increased since January 1, 1944. To figure the amount of the adjustment he shall:

(i) First, the processor shall figure the amount of the basic wage rate for unskilled female labor in effect on January 1, 1944, by taking the hourly rate (or mid-point of range of rates) in effect for that class of labor during the pay period of 1943 for which he had the largest number of employees on his pay roll and adding to this figure the amount of any increase in basic wage rates for unskilled female labor which he put into effect on or before January 1, 1944. If the processor during that period had no unskilled female employees who were paid on a straight-time hourly basis, he shall substitute for unskilled female labor that classification of labor for which he had the largest number of employees paid on an hourly basis during the period. The basic wage rate deemed to have been in effect on January 1, 1944, shall be the figure resulting from the above calculation, or 40 cents per hour, whichever is higher.

(ii) Next, the processor shall subtract the resulting figure from the hourly basic wage rate (or mid-point of range of rates), in effect at the time he figures his maximum price under this supplement for the same classification of labor used by him in figuring the basic wage rate in effect on January 1, 1944 under subdivision (i), above.

(iii) Next, the processor shall multiply the resulting figure by .001.

(iv) Finally, the processor shall multiply the price resulting from the calculations in subparagraphs (1) through (5), above, by the factor obtained as a result of the multiplication in subdivision (iii), above, and add the result to the price obtained under the provisions of subparagraphs (1) through (5).

When the processor meets the condition for figuring an increase in basic wage rate after he has established a maximum price under section 12 (h), he may refigure his maximum price (notifying his customers as required by section 12 (d).

The resulting figure is the processor's maximum price per dozen containers or other unit f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(c) *Adjustment of fruit costs by processors who obtained permitted increases from comparable processors pursuant to section 4 (d) of Supplement 15.* A processor who during the applicable 1941 base period sold the item being priced only to ultimate consumers (other than industrial, institutional, and commercial users) and obtained his permitted increase for increased fruit cost pursuant to section 4 (d) of Supplement 15 from the most closely competitive processor who sells to retailers or wholesalers, in figuring a maximum price under paragraph (b), above, shall adjust for fruit cost in the following manner.

(1) In figuring his maximum price under paragraph (b), instead of making the subtraction and addition ordinarily required by paragraph (b) (3) and (4) he shall add the amount (converted to retail units on the basis of his own yields) arrived at by subtracting (i) the 1945 fruit cost under Supplement 15 that his most closely competitive procesor who sells to retailers or wholesalers is required to subtract under paragraph (b) (3), from (ii) the new fruit cost that the same processor is required to add under paragraph (b) (4).

(2) Normally, the "most closely competitive processor" mentioned above will be the same processor from whom the processor obtained his permitted increase under section 4 (d) of Supplement 15. In each case, however, the competitive processor shall be one who figured his maximum price under the same method that is being used by the processor.

(d) *Allocation of costs.* In converting the cost of raw materials or any other cost factor into cost per dozen or other unit for any kind, flavor, brand and container type and size, the cost shall be allocated in the same proportion as the same cost was allocated to that item in 1942.

(e) *Items for which maximum prices cannot be figured under the foregoing rules of this section or section 9 (a).* If the processor cannot figure a maximum price, f. o. b. shipping point, under the foregoing rules of this section or under section 9 (a) for sales of any item to purchasers other than government procurement agencies, he shall figure his maximum price under section 7. If he cannot or is not permitted to figure his maximum price in that manner, he shall apply to the Office of Price Administration for authorization of a maximum price under section 9 (c).

SEC. 5. *Maximum prices for sales of apple butter by processors*—(a) *General rule for pricing items sold during the applicable base period and for which maximum prices were figured under section 6a on the basis of prices figured under section 5 (b) or 5 (c) of Supplement 15.* In general, this paragraph applies to the pricing of items for which the processor established maximum prices under the provisions of section 6a on the basis of prices figured under section 5 (b) or 5 (c) of Supplement 15 to Food Products Regulation No. 1. If the processor figured a price under section 5 (b) or 5 (c) of Supplement 15 but did not refigure a price under section 6a of that supplement, he shall refigure his price under said section 6a before figuring a price under this supplement. Any processor who figured his price under section 5 (b) or 5 (c) of Supplement 15 by adjusting for raw material in accordance with section 5 (d) of that supplement, in figuring his maximum price under this paragraph shall adjust for fruit cost in accordance with paragraph (b), below.

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 9 (e), below.)

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the maximum price figured under section 6a of Supplement 15.* The processor shall use as his starting point the maximum price for sales of the item to purchasers other than government procurement agencies as required to be figured under section 6a of Supplement 15 on the basis of a price figured under section 5 (b) or 5 (c) of that supplement.

If a processor figured a maximum price under section 5 (b) or 5 (c) of Supplement 15 but did not refigure his maximum price under section 6a of that supplement, he shall determine what his maximum price for the item would have been under that section and shall use that price as his starting point under this paragraph. (He is not required to file the report specified in section 6a.)

(2) *Subtract the amount of adjustment for approved increases in basic wage rates since January 1, 1944.* Next, the processor shall subtract the amount of any adjustment for approved increases in basic wage rates which he figured under section 5 (b) (7) or 5 (c) (6) of Supplement 15.

(3) *Subtract the 1945 fruit cost figured under Supplement 15.* Next, the processor shall subtract the 1945 cost of fruit per dozen containers or other unit as required to be figured under the provisions of section 5 (b) (6) or 5 (c) (3) of Supplement 15. The deduction shall include any transportation charges reflected in his 1945 fruit cost figured under Supplement 15.

(4) *Add the new fruit cost.* Next, the processor shall add to the resulting figure his weighted average costs delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, after conversion to cents per unit of the finished product. In figuring the weighted average cost

[6] 11 F.R. 1691.
[7] 11 F.R. 2517.

delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring maximum price under this supplement, the processor shall base his calculations on the price actually paid for all apple chops or fresh apples, plus the amount of any transportation charges actually incurred by him from his supplier's shipping point to the processor's factory. However, for all apple chops which were subject to maximum prices at the time of purchase, the price paid shall not exceed the maximum price which the processor's supplier or suppliers were entitled to charge him under the supplement to Food Product Regulation 1, applicable at the time of purchase, in the respective sales by which they were acquired by the processor, plus the amount of any transportation charges actually incurred by the processor from the supplier's shipping point to the processor's factory.

(5) *Adjust for increased cost of sugar and corn sirup.* Next, at such time as he has incurred an increase in the cost of sugar or corn sirup, the processor shall add the increased cost of sugar or corn sirup converted to units of the finished product in the manner provided in and subject to the conditions set forth in section 4 (b) (5) of this supplement.

(6) *Adjust for approved increases in basic wage rate since January 1, 1944.* Finally, the processor shall figure the adjustment for approved increases in basic wage rate in the manner provided in and subject to the conditions set forth in section 4 (b) (6) of this supplement.

The resulting figure is the processor's maximum price per dozen containers or other unit f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(b) *Adjustment of fruit costs by processors who obtained permitted increases from comparable processors pursuant to section 5 (d) of Supplement 15.* A processor who during the applicable 1941 base period sold the item being priced only to ultimate consumers (other than industrial, institutional and commercial users), and obtained his permitted increase for increased fruit cost pursuant to section 5 (d) of Supplement 15 from the most closely competitive processor who sells to retailers or wholesalers, in figuring a maximum price under paragraph (a), above, shall adjust for fruit cost in the following manner.

(1) In figuring his maximum price under paragraph (a), instead of making the subtraction and addition ordinarily required by paragraph (a) (3) and (4) he shall add the amount (converted to retail units on the basis of his own yields) arrived at by subtracting (i) the 1945 fruit cost under Supplement 15 that his most closely competitive processor who sells to retailers or wholesalers is required to subtract under paragraph (a) (3), from (ii) the new fruit cost that the same processor is required to add under paragraph (a) (4).

(2) Normally, the "most closely competitive processor" mentioned above will be the same processor from whom the processor obtained his permitted increase under section 5 (d) of Supplement 15. In each case, however, the competitive processor shall be one who figured his maximum price under the same method that is being used by the processor.

SEC. 6. *Maximum prices for sales by processors of items which were priced under section 6, 6a (on the basis of a price figured under section 6) and 8 (c) of Supplement 15*—(a) *Maximum prices for sales by processors who figured a price under section 6 or 6a (on the basis of a price figured under section 6) of Supplement 15.* This paragraph applies to the pricing of items for which the processor could not figure a price under section 4, 5 or 8 (a) of Supplement 15 but for which he did figure a price under the provisions of section 6 or 6a (on the basis of a price figured under section 6) of that supplement.

The processor shall figure a maximum price for each factory at which he processes the item being priced. However, he may then elect to combine prices as provided in section 9 (e), below.

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the price figured under section 6 or figured under section 6a on the basis of a price figured under section 6 of Supplement 15.* The processor shall use as his starting point the maximum price for sales of the item to purchasers other than government procurement agencies as required to be figured under section 6 or under section 6a on the basis of a price figured under section 6 of Supplement 15 to Food Products Regulation 1. If the processor figured a maximum price under section 6 of Supplement 15 prior to April 16, 1946 and did not refigure his maximum price under section 6a of Supplement 15, he shall refigure his maximum price under section 6a if he meets the requirements of that section and shall use that price as a starting point under this section.

(2) *Subtract the 1945 fruit cost figured under section 6 (a) (1) (ii), (iii) and (iv) of Supplement 15.* Next, the processor shall subtract the 1945 cost of fruit per dozen containers or other unit as figured by him under the provisions of section 6 (a) (1) (ii), (iii) and (iv) of Supplement 15, including any transportation charges reflected in such fruit cost.

(3) *Add the new fruit cost.* Next, the processor shall add to the resulting figure his weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, after conversion to cents per unit of the finished product. In figuring the weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, the processor shall base his calculations on the price actually paid for all frozen, packed or fresh fruit or apple chops, plus the amount of any transportation charges actually incurred by him from his supplier's shipping point to the processor's factory. However, for all frozen and packed fruits and apple chops which were subject to maximum prices at the time of purchase, the price paid shall not exceed the maximum price which the processor, supplier or suppliers were entitled to charge him under the supplement to Food Products Regulation No. 1, or other maximum price regulation applicable at the time of purchase in the respective sales by which they were acquired by the processor, plus the amount of any transportation charges actually incurred by the processor from the supplier's shipping point to the processor's factory.

(4) *Adjust for increased cost of sugar and corn sirup.* Next, at such time as he has incurred an increase in the cost of sugar or corn sirup, the processor shall add the increased cost of sugar or corn sirup converted to units of the finished product in the manner provided in and subject to the conditions set forth in section 4 (b) (5) of this supplement.

(5) *Adjust for approved increases in basic wage rate.* Finally, the processor shall figure the adjustment for approved increases in basic wage rate if he has incurred an increase in basic wage rate which is approved by the Wage Stabilization Board (or which is deemed approved under Executive Order 9697, under the Supplementary Wage and Salary Regulations issued by the Office of Economic Stabilization, or any official order issued pursuant thereto), and if the increase becomes effective after the date on which the processor figured his maximum price under section 6 of Supplement 15. An increase in basic wage rate will be considered to have occurred only if the single rate (or mid-point of the range of rates) for unskilled female labor paid on a straight-time basis has been increased since the date the processor figured his maximum price under section 6 of Supplement 15; or if the processor has no unskilled female labor paid on a straight-time basis, if the single rate (or mid-point of the range of rates) for that class of labor for which he had the largest number of employees paid on an hourly basis on his pay roll for the pay period during 1945 for which he had the largest number of employees paid on an hourly basis, has been increased since he figured his maximum price under section 6 of Supplement 15. To figure the amount of the adjustment he shall:

(i) First, the processor shall figure the amount of the basic wage rate for unskilled female labor in effect for that class of labor during the pay period of 1945 for which he had the largest number of employees on his pay roll and add to this figure the amount of any increase in basic wage rates for unskilled female labor which he put into effect on or before the date on which he figured his maximum price under section 6 of Supplement 15. If the processor during that period had no unskilled female employees who were paid on a straight-time hourly basis, he shall substitute for unskilled female labor that classification of labor for which he had the largest number of employees paid on an hourly basis during the period.

(ii) Next, the processor shall subtract the resulting figure from the hourly basic wage rate (or mid-point of range of rates) in effect at the time he figures

his maximum price under this supplement for the same classification of labor used by him in figuring the basic wage rate in effect on the date he figured his maximum price under section 6 of Supplement 15 under subdivision (i), above.

(iii) Next, the processor shall multiply the resulting figure by .001.

(iv) Finally, the processor shall multiply the price resulting from the calculations in subparagraphs (1) through (4), above, by the factor obtained as a result of the multiplication in subdivision (iii), above, and add the result to the price obtained under the provisions of subparagraphs (1) through (4).

When the processor meets the condition for figuring an increase in basic wage rate after he has established a maximum price under section 12 (h), he may refigure his maximum price (notifying his customers as required by section 12 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(b) *Rule for pricing items for which maximum prices were authorized by orders issued under section 8 (c) of Supplement 15 or automatically authorized upon the expiration of the 30-day period specified in that provision.* In general, this paragraph applies to the pricing of items for which maximum prices were authorized by orders issued under section 8 (c) of Supplement 15 or which were automatically authorized upon the expiration of the 30-day period specified in that provision.

For sales to purchasers other than government procurement agencies and for sales to government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. factory as follows. (Section 9 (h) does not apply to items priced under this paragraph). He shall:

(1) *Start with the price authorized under section 8 (c) of Supplement 15.* The processor shall use as his starting point the maximum price for the item for sales to purchasers other than government procurement agencies (or the maximum price for sales to government procurement agencies, as the case may be) as determined under section 8 (c) of Supplement 15 (or as subsequently changed by order).

(2) *Subtract the 1945 fruit cost.* Next, the processor shall subtract from the resulting figure his 1945 weighted average fruit cost per dozen containers or other unit, delivered to his factory, figured by dividing the total amount paid for the 1945 fruit used in processing the item by the number of dozens of containers or other units processed.

(3) *Add the new fruit cost.* Next, the processor shall add to the resulting figure his weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, figured in the manner provided in paragraph (a) (3), above.

(4) *Adjust for increased cost of sugar and corn sirup.* Next, at such time as he has incurred an increase in the cost of sugar or corn sirup used in processing an item, the processors shall add the increased cost of sugar or corn sirup converted to cents per unit of the finished product for the sugar or corn sirup actually used by him in that portion of the item which is processed from sugar or corn sirup for which he has incurred an increased cost. However, his increased cost of sugar or corn sirup shall not exceed $.021 per pound increase for cane and beet sugar, $.0327 per pound for corn sugar and $.0242 per pound for corn sirup. The processor shall be deemed to have incurred an increase in the cost of sugar or corn sirup only at such time as he has no inventory of cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946, and has no inventory of any portion of the item processed with cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or processed with corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946.

When the processor meets the conditions for figuring an increase in the cost of sugar or corn sirup (or an additional increase) after he has established a maximum price in accordance with section 12 (h), he may refigure his maximum price (notifying his customers as required by section 12 (d)).

(5) *Adjust for approved increases in basic wage rate.* Finally, the processor shall figure the adjustment for approved increases in basic wage rate if he has incurred an increase in basic wage rate which is approved by the Wage Stabilization Board (or which is deemed approved under Executive Order 9697, under the Supplementary Wage and Salary Regulations issued by the Office of Economic Stabilization, or any official order issued pursuant thereto), and if the increase becomes effective after the date on which the maximum price authorized for the item under section 8 (c) of Supplement 15 became effective. An increase in basic wage rate will be considered to have occurred only if the single rate (or mid-point of the range of rates) for unskilled female labor paid on a straight-time basis has been increased since the date on which the maximum price authorized for the item under section 8 (c) of Supplement 15 became effective; or if the processor has no unskilled female labor paid on a straight-time basis, if the single rate (or mid-point of the range of rates) for that class of labor for which he had the largest number of employees paid on an hourly basis on his pay roll for the pay period during 1945 for which he had the largest number of employees paid on an hourly basis, has been increased since the date on which the maximum price authorized for the item under section 8 (c) of Supplement 15 became effective. To figure the amount of the adjustment he shall:

(i) First, the processor shall figure the amount of the basic wage rate for unskilled female labor in effect for that class of labor during the pay period of 1945 for which he had the largest number of employees on his pay roll and add to this figure the amount of any increase in basic wage rate for unskilled female labor which he put into effect on or before the date on which the maximum price authorized for the item under section 8 (c) of Supplement 15 became effective. If the processor during that period had no unskilled female employees who were paid on a straight-time hourly basis he shall substitute for unskilled female labor that classification of labor for which he had the largest number of employees paid on an hourly basis during the period.

(ii) Next, the processor shall subtract the resulting figure from the hourly basic wage rate (or mid-point of range of rates) in effect at the time he figures his maximum price under this supplement for the same classification of labor used by him in figuring the basic wage rate under subdivision (i), above.

(iii) Next, the processor shall multiply the resulting figure by .001.

(iv) Finally, the processor shall multiply the price resulting from the calculations in subparagraphs (1) through (4), above, by the factor obtained as a result of the multiplication in subdivision (iii), above, and add the result to the price obtained under the provisions of subparagraphs (1) through (4).

When the processor meets the condition for figuring an increase in basic wage rates after he has established a maximum price under section 12 (h), he may refigure his maximum price (notifying his customers as required by section 12 (d)).

The resulting figure is the processor's maximum price per dozen containers or other unit f. o. b. shipping point for sales to purchasers other than government procurement agencies (or the maximum price for sales to government procurement agencies, as the case may be).

SEC. 7. *Maximum prices for sales by processors of items which cannot be priced under section 4, 5, 6 or 9 (a).* If the processor cannot otherwise determine his maximum price for an item under section 4, 5, 6 or 9 (a), he shall figure his maximum price under the pricing method of this section. However, the processor who qualifies as a retailer under Maximum Price Regulation 422 [8] or 423 [9] and the processor who performs the function of a wagon wholesaler shall not use the pricing method of this section, but he shall apply to the Office of Price Administration, Washington 25, D. C., for authorization of a maximum price under section 9 (c).

(a) *Pricing method for sales to purchasers other than government procurement agencies.* Under this section, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies as follows. The proces-

[8] 10 F. R. 1505, 2024, 2297, 3814, 5370, 577, 6235, 6514, 7251, 8015, 8656, 9272, 9263, 9430, 11303, 12264, 12265, 12810, 12992, 13073.

[9] 10 F. R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015, 8656, 9272, 9263, 9431, 11303, 12265, 12810, 12992, 13074.

sor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 9 (e), below.) He shall:

(1) *Figure the "direct cost" of the item.* The processor shall figure his "direct cost" per dozen containers or other unit by adding together his current:

(i) The actual cost per unit of all ingredients (other than raw agricultural commodities) and of packaging materials, for which maximum prices have been established, figured at no more than the current maximum prices applying to the class of purchasers to which the processor belongs, or, if no maximum prices apply, figured at no more than their current market prices;

(ii) Actual cost per unit of all raw agricultural ingredients figured at no more than their current market prices;

(iii) Current direct labor cost per unit (excluding unapproved increases in wage rates).

(iv) Transportation charges per unit by the usual mode of transportation from his customary supplier to his factory with respect to any cost used in (i) above, and from his customary receiving point to his factory with respect to any cost used in (ii) above, if that cost is not a delivered cost and if these charges are customarily incurred.

(2) *Multiply by 1.35.* Finally the processor shall multiply his "direct cost" per dozen containers or other unit of the item by 1.35.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales of the item to purchasers other than government procurement agencies.

(b) *Pricing method for sales to government procurement agencies.* The processor's maximum price for sales of the item to government procurement agencies shall be determined as provided in section 9 (h).

(c) *Meaning of "current."* As used in this section, "current" means at the time of figuring the maximum price.

(d) *Direct labor cost.* In deciding whether items of labor cost are to be treated as direct cost in figuring the price or are to be treated as overhead, the processor shall follow his customary practice. Thus, if a processor customarily has treated cleaning labor as an item of overhead, he shall continue to treat it in this way when figuring the maximum price.

(e) *Reporting prices.* Before making any sales or deliveries to any purchasers of any item for which he figures his maximum price under this section, the processor shall file with the Office of Price Administration, Washington, D. C., a report in duplicate and signed by him, showing:

(1) A description in detail of the item being priced, including its grade and brand name (if any) to be used, a statement of the facts that make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price, and a statement giving the reasons why he cannot figure a maximum price under the other pricing methods of this supplement. (The statement of reasons should indicate whether sales of the item have been made previously and if so how its maximum price was determined, and the reasons why the seller cannot price the item under section 4, 5, 6 or 9 (a).)

(2) The weighted average raw material price paid per ton or other unit for any 1946 fresh fruit used in the item being priced, delivered to the processor's customary receiving point.

(3) The current case (unit) yield per ton or other unit of 1946 fruit used in the item being priced.

(4) The current total direct cost per dozen containers or other unit of the item being priced, also showing separately cost of ingredients, cost of packaging materials, direct labor cost and incoming transportation charges incurred by the processor.

(5) The current total cost per dozen containers or other unit of the item being priced (i. e. the total of direct cost, indirect labor, depreciation, factory rental, insurance, machinery repairs, and other cost factors generally pertaining to processing operations; and general administrative and selling expenses).

(6) The maximum price per dozen containers or other unit of the item being priced, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, as figured under this section.

(7) The volume of the item that he has produced since January 1, 1946.

(f) *Approval, disapproval or revision of reported maximum price.* The Price Administrator may at any time approve, disapprove or revise any maximum price figured under this section so as to bring it into line with maximum prices for comparable commodities and sellers.

SEC. 8. *Maximum prices for sales by wagon wholesalers and by distributors other than wholesalers and retailers—*(a) *Wagon wholesalers—*(1) *General pricing method.* The maximum price per dozen or other unit which a wagon wholesaler may charge for an item of fruit preserves, jams or jellies or apple butter covered by this supplement shall be his net delivered cost plus a markup of 24%.

(2) *Meaning of "wagon wholesaler."* A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such wholesaler is a wagon wholesaler only for sales of items customarily sold in this manner.

(3) *Meaning of "net delivered cost."* In this section, "net delivered cost" means the amount the wagon wholesaler pays for the item delivered to his customary receiving point (but not in excess of the processor's maximum price for it, f. o. b. shipping point, plus actual charges incurred for transportation to the wagon wholesaler's customary receiving point), less all discounts allowed him except the discount for prompt payment. No expense of local trucking or unloading shall be included. Net delivered cost shall be figured on the basis of the wagon wholesaler's first delivery of an item on or after October 18, 1946, and shall be refigured upon receipt of an item whenever there is a change in the maximum price of his supplier.

(4) *Items that cannot be priced under subparagraph (1).* If the wagon wholesaler cannot figure his maximum price under the foregoing pricing methods, his maximum price shall be:

(i) The maximum price of his supplier f. o. b. shipping point, plus incoming freight paid by the wagon wholesaler, if he purchased the particular goods being priced from a supplier other than a wholesaler or retailer who prices under Maximum Price Regulation 421,[10] 422 or 423.

(ii) The "net cost" of his supplier under Maximum Price Regulation 421, 422 or 423, plus incoming freight paid by the wagon wholesaler, if he purchased the particular goods being priced from a wholesaler or retailer who prices under one of those regulations.

(b) *Distributors other than wholesalers and retailers.* The maximum price, f. o. b. shipping point, of a distributor who is not a wholesaler or retailer shall be:

(1) The maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by the distributor, if he purchased the particular goods being priced from a supplier other than a wholesaler or realler who prices under Maximum Price Regulation 421, 422 or 423.

(2) The "net cost" of his supplier under Maximum Price Regulation 421, 422, or 423, plus incoming freight paid by the distributor, if he purchased the particular goods being priced from a wholesaler or retailer who prices under one of those regulations.

SEC. 9. *Provisions of Article II of Food Products Regulation No. 1 applicable to this supplement.* The following provisions of Food Products Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for products in new container types or sizes (sec. 2.2 of FPR 1).

(b) Adjustment of dollars-and-cents maximum prices for processors who perform the wholesale or retail function (sec. 2.3 of FPR 1). This section applies only to maximum prices figured under section 6 (a) and section 7 by a processor who performs the wholesale function. For this purpose a maximum price figured under that section shall be considered a dollars-and-cents maximum price.

(c) Individual authorization of maximum prices (sec. 2.5 of FPR 1).

(d) When the seller must figure a delivered price (sec. 2.6 of FPR 1). The "base period" is the applicable 1941 base period specified in § 1341.302 (b) (2) of Maximum Price Regulation 226 in the case of fruit preserves, jams and jellies, and October and November 1941 in the case of apple butter.

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[10] 10 F. R. 1498, 5037, 5369, 7251, 11302, 12848, 12992, 13073.

(e) Uniform prices where the processor or repacker has more than one factory (sec. 2.7 of FPR 1).

(f) Uniform delivered prices where the seller has customarily been selling on an f. o. b. shipping point basis (sec. 2.8 of FPR 1). The "base period" is the applicable 1941 base period specified in § 1341.302 (b) (2) of Maximum Price Regulation 226 in the case of fruit preserves, jams and jellies, and October and November 1941 in the case of apple butter.

(g) Payment of brokers (sec. 2.11 of FPR 1).

(h) Maximum prices for sales to government procurement agencies (sec. 2.12 of FPR 1).

(i) Special packing expenses that may be reflected in maximum prices for sales to government procurement agencies (sec. 2.13 of FPR 1).

(j) Treatment of federal and state taxes (sec. 2.14 of FPR 1). The "base period" is the applicable 1941 base period specified in § 1341.302 (b) (2) of Maximum Price Regulation 226 in the case of fruit preserves, jams and jellies, and October and November 1941 in the case of apple butter.

(k) Units of sale and fraction of a cent (sec. 2.15 of FPR 1).

(l) Maintenance of customary discounts and allowances (sec. 2.16 of FPR 1).

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 10. *Reports that processors must file for maximum prices figured under sections 4, 5 and 6.* Within ten days after the date of the first sale of an item for which he figures his maximum price under section 4, 5 or 6 of this supplement, the processor shall file with the Office of Price Administration, Washington, D. C., a report, in duplicate, and signed by him, showing:

(a) A description in detail of the item being priced, including its grade and brand name, (if any).

(b) The maximum price per dozen containers or other unit figured by the processor under sections 4, 5, 6 or 6a of Supplement 15.

(c) The lawful cost per dozen or other unit for fruit used in figuring the maximum price for the item figured under the appropriate provisions of Supplement 15.

(d) The amount per unit for basic wage rate increases figured under the appropriate provisions of Supplement 15.

(e) The weighted average price paid per ton or other unit for all fruit used in the item being priced, delivered to his customary receiving point, and the current unit yield per ton or other unit of fruit used is the item being priced.

(f) The weighted average cost delivered at the factory of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price under this supplement, after conversion to cents per units of the finished product.

(g) The lawful cost per dozen or other unit of the item for increased cost of sugar or corn sirup used in figuring a maximum price for the item under the appropriate provisions of this supplement. If the processor is figuring an increase in cost of sugar or corn sirup, he shall include a statement showing that he does not have on hand any cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946, nor any portion of the item for which he is figuring his price processed with cane or beet sugar purchased or contracted for at or below maximum prices in effect prior to September 18, 1946, or processed with corn sugar or corn sirup purchased or contracted for at or below maximum prices in effect prior to August 1, 1946.

(h) The cents per hour increase in basic wage rate used as the basis for figuring an adjustment (if any) for increase in basic wage rate.

(i) The 1946 maximum price per dozen containers or other unit f. o. b. shipping point for sales to purchasers other than Government procurement agencies after adjusting for approved increases in basic wage rate (where appropriate). This will be the figure resulting from the computations figured in paragraphs (b) through (i).

(j) The volume of the item that he has produced since January 1, 1946.

(k) A list of all his customary allowances, discounts, and other price allowances.

SEC. 11. *Individual adjustment of processors' maximum prices*—(a) *For sales to purchasers other than Government procurement agencies*—(1) *When adjustments may be made.* Either on his own motion or upon application in accordance with Revised Procedural Regulation No. 1,[11] the Price Administrator may adjust a processor's maximum price for any item figured under section 4, 5, 6 (a) or 7 of this supplement (or figured under section 9 (a) on the basis of a price figured under section 4 or 5) for sales to purchasers other than Government procurement agencies, where it appears that:

(i) The maximum price is below the median price at which sales of the item (regardless of brand) may be made to purchasers other than Government procurement agencies by processors located in the general processing area;

(ii) The processor would be entitled to a price increase under the standards set forth in subparagraph (2), below; and

(iii) In the judgment of the Price Administrator, an increase in the processor's maximum price would be in furtherance of the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697.

(2) *Amount of adjustment.* The maximum price, as adjusted under this section, shall in no event be higher than the median price at which sales of the item (regardless of brand) may be made to purchasers other than Government procurement agencies by processors located in the general processing area. Subject to this limitation and the limitation of subparagraph (1) (iii), above, the adjusted maximum price shall not exceed the following amount:

(i) Processing costs for the item if the processor's percentage of net operating profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was 6.5 percent or higher; or

(ii) Total costs for the item if the processor's percentage of net operating profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was less than 6.5 percent but no lower than 4 percent; or

(iii) Total costs for the item plus a profit equal to 4 percent of the adjusted maximum price, if the processor's percentage of net operating profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was lower than 4 percent.

(b) *For sales to government procurement agencies*—(1) *When adjustments may be made.* Either on his own motion or upon application in accordance with Revised Procedural Regulation No. 1, the Price Administrator may adjust a processor's maximum price for sales to government procurement agencies of any item figured under section 4, 5, 6 (a) or 7 (or figured under section 9 (a) on the basis of a price figured under section 4 or 5), after application of the provisions of section 9 (h), when the processor has entered into or proposes to enter a government contract or subcontract thereunder, where it appears that:

(i) The maximum price is below the median price at which sales of the item (regardless of brand) may be made to government procurement agencies by processors located in the general processing area;

(ii) The processor would be entitled to a price increase under the standards set forth in subparagraph (2), below; and

(iii) In the judgment of the Price Administrator, an increase in the processors' maximum price would be in furtherance of the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651, and 9697.

(2) *Amount of adjustment.* The maximum price, as adjusted under this section shall in no event be higher than the median price at which sales of the item (regardless of brand) may be made to Government procurement agencies by processors located in the general processing area. Subject to this limitation and the limitation of subparagraph (1) (iii), above, the adjusted maximum price shall not exceed the following amount:

(i) Processing costs for the item if the percentage of net operating profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was 6.5 percent or higher; or

(ii) Total costs for the item if the processor's percentage of net operating

[11] 9 F. R. 10476, 13715. 10 F. R. 11295.

profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was less than 6.5 percent but not lower than 4 percent; or

(iii) Total costs for the item plus a profit equal to 4 percent of the adjusted maximum price, if the processor's percentage of net operating profits (before income and excess profits taxes) to net sales of fruit preserves, jams and jellies and apple butter, during the most recent fiscal year, was lower than 4 percent.

(3) *Contracts pending disposition of application for adjustment.* Upon the filing of an application for adjustment under this paragraph (b) or within 30 days prior thereto and until final disposition of the application contracts may be entered into or proposed and bids submitted at the price or prices requested in the application, and deliveries may be made under such contracts, except that the processor may not receive and the buyer may not pay the amount by which the price exceeds the maximum price unless and until an order granting a higher price has been issued. The processor shall include in any sale, contract to sell, or offer to sell at the price requested in an application the following:

(i) His maximum price for sales of the item to government procurement agencies.

(ii) A statement that the quoted price is subject to approval by the Office of Price Administration.

(iii) A statement that an appropriate application has been filed, or will be filed within 30 days, with the Office of Price Administration.

Any government agency may appear as an interested party in the case of any such application.

(c) *Form and place of filing application.* Applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C., in duplicate on Office of Price Administration Form No. 6039–2526, and shall contain the information specified in that form. Copies may be obtained from any field office of the Office of Price Administration or from the Wholesale-Retail and Grocery Products Branch, Food Price Division, Office of Price Administration, Washington, D. C. The Office of Price Administration may request the processor to file any additional cost data based upon operating experience.

(d) *Determination of limitations on adjustment in certain cases.* If the particular item (regardless of brand) is not the "basic item" of that flavor of fruit preserves, jams or jellies, or of apple butter, for the purpose of making adjustments the Price Administrator may determine the applicable median price at which sales of the item (regardless of brand) may be made to the appropriate class of purchasers by processors located in the general processing area, by customary differential from the reported maximum prices for the basic item of the same product sold by processors in the same or nearest general processing area.

"Basic item" of any flavor of fruit preserves, jams or jellies, or of apple butter, means the item (regardless of brand) for which the greatest number of maximum prices have been reported.

(e) *Definitions.* When used in this section:

(1) "Net sales" means total sales less return sales of finished product.

(2) "Processing costs for the item" means current:

(i) Actual cost per unit of all ingredients (other than raw agricultural commodities) and of packaging materials, for which maximum prices have been established, figured at no more than the current maximum prices applying to the class of purchasers to which the processor belongs, or, if no maximum prices have been established, figured at no more than their current market prices;

(ii) Actual cost per unit of all raw agricultural ingredients, figured at no more than applicable prices which the processor is permitted to use in figuring a maximum price under section 4 or 5;

(iii) Current direct labor cost per unit (excluding unapproved increases in wage rates).

(iv) Transportation costs per unit by the usual mode of transportation, from the processor's customary supplier to his factory with respect to any cost used in (i), above, and from his customary receiving point to his factory with respect to any cost used in (ii), above, if that cost is not a delivered cost and if these charges are customarily incurred; and

(v) Other costs of processing per unit, such as current indirect labor (excluding unapproved increases in wage rates), depreciation, factory rental, insurance, machinery repairs, and other cost factors generally pertaining to processing operations but not including general administrative and selling expenses.

(3) "Total costs for the item" means processing costs plus current general administrative and selling expenses per unit.

(4) "Median price" means the middle price of a series of prices arranged in order of size or, if the series consists of an even number of prices, the simple arithmetic average of the two middle prices.

(5) "Government contract" means any contract with the United States or any agency thereof or with the Government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(6) "Subcontract" means any purchase order or agreement to make or furnish any commodity needed for the performance of another Government contract or subcontract thereunder.

(f) *Effect of prior adjustments.* In determining adjustments under this section, changes in prices resulting from the granting of prior adjustments to other processors under this section shall, so far as practicable, be disregarded.

(g) *Relationship with Revised Supplementary Order No. 9.* No application for adjustment filed on or after October 18, 1946 under Revised Supplementary Order No. 9[12] with respect to maximum prices of processors for sales to government procurement agencies of commodities covered by this supplement will be granted.

SEC. 12 *Provisions of Article III of Food Products Regulation No. I applicable to this supplement.* The following provisions of Food Products Regulation No. I are applicable to this supplement:

(a) Weights (sec. 3.2 of FPR I).
(b) Storage (sec. 3.3 of FPR I).
(c) Export sales (sec. 3.4 of FPR I).
(d) Notification of new maximum prices (sec 3.5 of FPR I).
(e) Records which must be kept (sec. 3.6 of FPR I).
(f) Sales slips and receipts (sec. 3.8 of FPR I).
(g) Transfers of business or stock in trade (sec. 3.9 of FPR I).
(h) How a figured maximum price is established and how an established maximum price may be changed (sec. 3.10 of FPR I).
(i) Adjustable pricing (sec 3.11 of FPR I).
(j) Compliance with the applicable supplement (sec. 3.12 of FPR I).
(k) Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act (sec. 3.14 of FPR I).
(l) Petitions for amendment (sec. 3.16 of FPR I).

This supplement shall become effective October 18, 1946.

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Approved: October 14, 1946.

N. E. DODD,
Under Secretary of Agriculture.

Statement of the Considerations Involved in the Issuance of Supplement 20 to Food Products Regulation 1

The accompanying supplement to Food Products Regulation 1 establishes new maximum prices for sales of fruit preserves, jams, and jellies, and apple butter by processors and distributors other than wholesalers and retailers who price under the fixed markup regulations. However, wagon wholesalers determine their maximum prices under this supplement. This supplement supersedes all other maximum price regulations as to the commodities and sellers covered.

Several changes have been made affecting the general pricing methods of Supplement 15. All labor adjustments after January 1, 1944, are eliminated from the maximum prices established under sections 4 and 5 of Supplement 15. A factor has been included in this supplement to provide for approved increases in basic wage rates incurred since January 1, 1944.. This factor is based on a 1-cent per hour increase in basic wage rates and is to be multiplied by the number of cents per hour approved increase in basic wage rates actually incurred by the processors. The factor for increase in basic wage rates was computed by considering the average relationship of labor costs to maximum prices. Increased cost

[12] 8 F. R. 6175.

of sugar and corn syrup is also compensated for in the general pricing method. In order to prevent a windfall to processors who have an inventory of sugar or corn syrup purchased at prices below current maximum prices, this supplement provides that the sugar and corn syrup increase may not be figured in a maximum price until such time as the processor has no inventory of such sugar or corn syrup or of finished item processed from sugar or corn syrup acquired at the lower prices.

This supplement also provides for adjustment of fruit costs by providing that the processor shall deduct from the maximum price figured under Supplement 15 the 1945 fruit cost and add the weighted average cost of all fruit purchased or contracted for which he has on hand at the time of figuring his maximum price. Since this industry utilizes frozen fruits to a great extent and because frozen fruits and many of the processed fruits are no longer subject to price control, this supplement permits the processor to figure his new fruit cost on the basis of prices actually paid by him for all fruit. However, the price actually paid by the processor for fruit may not exceed the maximum price for any fruit under price control at the time of purchase of such fruit.

Prices individually authorized under Supplement 15 are continued under this supplement. However, these prices are to be adjusted by the processor for approved increases in basic wage rate incurred since the date of the authorization of the price, for increased cost of sugar and corn syrup, and for changes in the cost of fruit.

The individual adjustment provisions of Supplement 15 are carried forward in this supplement without change. The over-riding limitations for both government sales and sales to purchasers other than government procurement agencies are based on median prices for the items. The provisions affecting maximum prices which provide increases in cost of sugar and basic wage rates will be reflected in the new medians which become the over-riding limitation for adjustments. Like Supplement 15, the individual adjustment provisions apply to civilian prices and to prices for sales to government procurement agencies. These provisions supersede Revised Supplementary Order No. 9 for the purpose of the supplement. Provision is made conformable with Revised Supplementary Order No. 9 for application of adjusted prices to government contracts entered into at or about the time of filing applications for adjustments.

Requirements of section 2 of the Emergency Price Control Act of 1942, as amended, and section 3 of the Stabilization Act of 1942, as amended, are complied with.

The maximum prices established by the accompanying supplement are generally fair and equitable within the meaning of section 2 of the Emergency Price Control Act of 1942, as amended. These prices are calculated to return to the industry as a whole profits at the average rate on sales for 1943, less 2 per cent.

The Price Administrator has considered the level of prices in the industry between October 1 and 15, 1942 and the increased costs which have occurred since that period and has consulted with members of the industry who will be affected by this supplement and has given consideration to their recommendations.

To the extent that maximum prices as adjusted by the accompanying supplement, affect the cost of living and return to the industry earnings in excess of the minimum amount required by law, the Price Administrator has found that the adjustment is necessary to correct maladjustments and inequities which would interfere with the effective transition to a peace time economy.

The maximum prices established by the accompanying supplement comply with the requirements of section 3 of the Stabilization Act of 1942, as amended, since with respect to fresh fruits, they are computed on the basis of prices actually paid or in excess of the amounts required by that section to be reflected to producers in maximum prices for the processed commodities. In the case of fruits, the Price Administrator has found that to the extent that the grower prices used in the establishment of maximum prices under this supplement, are in excess of the amounts required by section 3 to be reflected to producers in maximum prices for the processed commodities, the adjustment is necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy. A generally fair and equitable margin of profit is allowed for processing and adequate weighting has been given to farm labor.

All provisions of this supplement and their effect on business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practice, means, aids or methods established in the industry or industries affected, have been included in the supplement unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the supplement or of the act. To the extent that the provisions of this supplement compel or may operate to compel changes in business practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this supplement or of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18965; Filed, Oct. 18, 1946; 11:21 a. m.]

PART 1389—APPAREL

[RMPR 506,[1] Amdt. 6]

MAXIMUM PRICES FOR STAPLE WORK GLOVES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation 506 is amended in the following respects:

1. The second undesignated paragraph of Section 2 is amended to read as follows:

The "suppliers' net ceiling price", where the supplier is a manufacturer, is the manufacturers' ceiling price less the 2% discount available on all purchases from manufacturers; where the supplier is a wholesaler it is his ceiling price.

2. Section 3 (a) (2) is amended to read as follows:

(2) *Ceiling prices for "regular sales."* The ceiling price for regular sales at wholesale is the manufacturer's Group I gross ceiling price for the gloves being priced multiplied by 1.192.

Manufacturers' Group I gross ceiling price is the manufacturer's authorized Group I ceiling price before deduction of discounts, but not including transportation and delivery charges.

The above wholesale prices are net 30 days. If the seller wishes he may extend more favorable terms, but no seller may change these terms if the change would result under any circumstances in a higher net price.

3. In Appendix A, paragraph (a) "Instructions to Manufacturers," subparagraph (i) (a) of Instruction 4 is amended to read as follows:

(a) "Average straight time hourly earnings" shall be computed by dividing the amount paid to all "employees" for straight time work during the period by the number of hours of straight time worked by "all employees" during the period. In computing the amount paid to "all employees," exclude all payments for overtime during the period. Vacation pay may be included if actually paid during the four week period. Where the manufacturer sets up a reserve for vacation pay which he has been, or will be, obligated to pay during the fiscal year which includes the four week period, he may also include, as vacation pay, the prorated amount set up for such four week period. In no event, however, may the total amount of vacation pay (actually paid or set aside as a reserve) exceed one-thirteenth of the amount actually paid to employees as vacation pay during the manufacturers' most recent past fiscal year. Exclude any amounts attributable to wage increases or vacation pay which are not "approved", within the requirements of subpart C of the Supplementary Wage and Salary Regulations issued by the Office of Economic Stabilization on March 8, 1946.

This amendment shall become effective October 18, 1946, except, however, that the provisions of paragraph (2) above relating to wholesalers' ceiling prices shall be effective as of August 23, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[1] 9 F. R. 10862; 11 F. R. 5498, 8091.

Statement of the Considerations Involved in the Issuance of Amendment 6 to Revised Maximum Price Regulation 506

The accompanying amendment increases the mark-up permitted to wholesalers of staple work gloves covered by RMPR 506.

As was indicated in the statement of considerations which accompanied Amendment 5 to RMPR 506, issued September 11, 1946, it was the intent of that action to establish the distributive mark-ups in effect on March 31, 1946, as required by section 2 (t) of the Emergency Price Control Act of 1942, as amended. As a result of a miscalculation, however, the mark-up factor of 1,168 provided for wholesalers in Amendment 5 provided a lower margin than that provided by the dollars-and-cents ceilings for wholesalers in effect on March 31, 1946. The present amendment therefore provides a corrected wholesale mark-up factor of 1,192 in accordance with the statutory requirement. This corrective action is made effective as of August 23, 1946.

The accompanying amendment also clarifies the definition of "suppliers' net ceiling price" and "vacation pay" as used in the regulation.

[F. R. Doc. 46-18981; Filed, Oct. 18, 1946; 11:27 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 609, Amdt. 2]

SOYBEANS OF THE 1946 CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 10 (d) of Maximum Price Regulation 609 is amended to read as follows:

(d) *All other sales.* The maximum price for the sale of soybeans by any seller not specifically provided for in paragraphs (a) through (c) of this section shall be the maximum price which the seller's supplier could lawfully charge the seller plus actual lawful transportation charges necessarily incurred by the seller in delivering to his purchaser, plus, to the extent permitted under paragraph (3) of this paragraph, the appropriate one of the following mark-ups:

(1) If the seller owns or maintains storage facilities except country storage facilities and he unloads the lot into them, a maximum mark-up of 2¾ cents per bushel or,

(2) In all other cases a maximum mark-up of 2 cents per bushel.

(3) The aggregate mark-up for all sales by all sellers whose maximum prices are established under this paragraph (d) shall not exceed 3½ cents per bushel and the mark-up which subsequent sellers may add on these sales are reduced or eliminated as the case may be by the amount of the mark-ups taken by prior sellers establishing a maximum price under this paragraph (d).

This amendment shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Approved: October 14, 1946.

N. E. DODD,
Under Secretary of Agriculture.

Statement of Considerations Involved in the Issuance of Amendment 2 to Maximum Price Regulation 609

Prior to the issuance of Amendment 1 to Maximum Price Regulation 609, section 10 (d) of the regulation provided for merchandising mark-ups of 2½ cents where the lot was warehoused in other than country storage facilities and of 1 cent per bushel in all other cases. These mark-ups were not cumulative so that, if the seller who put the lot into the storage had already paid 1 cent to another merchandiser, he could only add 1½ cents on resale. Amendment 1 increased the mark-up of merchandisers who did not store to 2 cents per bushel from 1 cent and the mark-up of the ones who stored the soybeans to 2¾ cents per bushel. Thus, the merchandiser storing and reselling the lot would be left with only a margin of ¾ cents per bushel for this function.

This squeeze was wholly unintentional and accordingly, this amendment is being issued to correct the error. Under the present amendment, the two mark-ups above referred to can be, to an extent, cumulative although there is a limitation of 3½ cents per bushel for all merchandising mark-ups. This preserves the former margin of 1½ cents per bushel for the seller purchasing from a merchandiser and storing soybeans in other than country storage facilities.

[F. R. Doc. 46-18984; Filed, Oct. 18, 1946; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14G, Amdt. 17]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN METALS AND MINERALS AND PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14G is amended by adding a new section to read as follows:

SEC. 16. *Modification of producers maximum prices for bronze and copper insect screen cloth*—(a) *Maximum prices.* Regardless of the provisions of the General Maximum Price Regulation, any producer may sell bronze and copper insect screen cloth at prices not in excess of those set forth below:

(1) In the case of shipments to the Pacific Coast of bronze and copper insect screen cloth in standard length rolls of 100 lineal feet and in standard widths, the net prices per 100 square feet are:

	Shipments to jobbers' stocks		Direct shipments	Shipments to retailers
	Carload lots	Less than carload lots		
Bronze .0113 gage, bright finish:				
14 mesh	5.82	6.11	6.29	7.32
16 mesh	6.37	6.70	6.59	8.02
18 x 14 mesh	6.37	6.70	6.89	8.02
18 mesh	7.18	7.55	7.77	9.04
Bronze .015 gage, bright finish:				
16 mesh	10.52	11.09	11.40	13.25
18 x 14 mesh	10.52	11.09	11.40	13.25
Copper .0113 gage, bright finish:				
14 mesh	5.56	5.85	6.01	7.00
16 mesh	6.12	6.44	6.62	7.70
18 x 14 mesh	6.12	6.44	6.62	7.70
18 mesh	6.92	7.29	7.49	8.72
Copper .015 gage, bright finish:				
16 mesh	9.60	10.14	10.42	12.10
18 x 14 mesh	9.60	10.14	10.42	12.10

(2) In the case of shipments to areas other than the Pacific Coast of bronze and copper insect screen cloth in standard length rolls of 100 lineal feet and in standard widths, the discounts to be taken from the list prices per 100 square feet are:

Shipments to jobbers' stocks		Direct shipments	Shipments to retailers
Carload lots	Less than carload lots		
36% and 20%.	36% and 17½%.	36% and 15%.	36%.

(3) The list prices per 100 square feet of bronze and copper insect screen cloth in standard length rolls of 100 lineal feet and in standard widths are:

Size	.0113 gage	
	Bronze	Copper
14 mesh	10.80	10.30
16 mesh	11.80	11.30
18 x 14 mesh	11.80	11.30
18 mesh	13.30	12.80

Size	.015 gage	
	Bronze	Copper
16 mesh	19.30	17.50
18 x 14 mesh	19.30	17.50

(4) Net extras for antique finish applicable to bronze and copper insect screen cloth per 100 square feet are:

	Shipments to jobbers' stocks		Direct shipments	Shipments to dealers
	Carload	Less carload		
Antinque finish .0113 gage	.18	.19	.19	.22
Antique finish .015 gage	.36	.37	.38	.45

(b) *Definitions.* As used in this section, the term: (1) "Pacific Coast" means the states of Washington, Oregon, Idaho, California, Arizona and Nevada.

This amendment shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 17 to Supplementary Regulation No. 14G

Amendment No. 17 to SR 14G allows increases amounting to approximately 13½% in the maximum prices of bronze and copper insect screen cloth.

The Office of Price Administration recently completed, at the request of its Insect Wire Screening Industry Advisory Committee, a survey of the operations of five manufacturers of bronze and copper insect screen cloth. Although the information obtained in connection with this survey was not sufficient to permit a conclusive measurement of the existing cost price relationship for this product, it did disclose that present maximum prices do not allow manufacturers to recover on the average total costs of production. Data reflecting experience of the five firms in the study during the fourth quarter of 1945, adjusted to take account of material cost increases and approved wage and salary increases since January 1, 1946, indicate that the average current loss is at least sixty-nine cents per one hundred square feet.

Bronze and copper insect screen cloth is used chiefly to protect homes, hospitals and places of business against insect invasion and it is essential to the health of the nation that full production be attained. There is a large demand for this product at the present time due to the housing programs undertaken by governmental agencies and the fact that during the war almost the entire output was set aside for military use to the exclusion of civilian applications. In view of these circumstances, the Administrator deems it necessary and proper to take action on the basis of the information which is now available and to adjust maximum prices to a level which will permit manufacturers to obtain a return approximating average total costs of production.

Almost all of the output of bronze and copper insect screen cloth is produced by firms which manufacture other products (such as steel screening, poultry netting and other steel products) and it has been determined that they are earning a satisfactory over-all return by virtue of the maximum price adjustments recently granted on such products. An increase to the level of total costs, therefore, is considered adequate to correct any maladjustment in maximum prices which may impede the output of bronze and copper screen cloth essential to effective transition to a peacetime economy. In taking this action the Administrator recognizes that the information now available is incomplete in some respects and a further study is being undertaken to obtain a more accurate determination of the costs and realization for the material involved. It will reveal whether any further adjustment in maximum prices is required.

In the opinion of the Administrator, Amendment No. 17 is in accord with Executive Order 9599 and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18967; Filed, Oct. 18, 1946; 11:22 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E,[1] Amdt. 59]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TEXTILES, LEATHER AND APPAREL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14E is amended in the following respects:

1. Section 1.5 is added to Article I to read as follows:

SEC. 1.5 *Manufacturers' maximum prices for certain men's cotton handkerchiefs*—(a) *Maximum prices fixed by this section.* On and after October 23, 1946, the maximum prices for manufacturers' sales or deliveries of the men's plain white print cloth or lawn handkerchiefs covered by this section shall be the prices set forth in paragraph (c) below.

(b) *Definition of terms*—(1) *Manufacturer's sale.* As used in this section, manufacturer's sale is any sale of handkerchiefs covered by this section to a purchaser other than an ultimate consumer by a person who either (i) fabricated the handkerchiefs, or (ii) sold or consigned to the fabricator of the handkerchiefs the principal materials from which the handkerchiefs were fabricated, or (iii) is directly or indirectly under the same ownership, control, or management as a person described in (i) or (ii). However, a sale to a department, establishment or business which was in March 1942, directly or indirectly owned or controlled by a person described in (i), (ii) or (iii) above which resold at prices in competition with independent jobbers and which has been continuously owned or controlled since that time by a person described in (i), (ii) or (iii) above, shall be at or below the "Manufacturers' Prices to Jobbers" set forth in column 4 of the table in paragraph (c) below, and a resale by such department, establishment or business shall not constitute a manufacturer's sale.

(2) *Handkerchiefs covered.* The handkerchiefs covered by this section are the men's plain white print cloth and lawn handkerchiefs listed in paragraph (c) below. However, this section does not cover any handkerchiefs which a manufacturer is required to price under Maximum Price Regulation 605.

(c) *Maximum prices.* The maximum net prices for manufacturers' sales of first quality men's plain white print cloth and lawn handkerchiefs are set forth in the table below. Such prices are subject to the indicated differentials for hems, cut sizes, constructions and folds not specifically listed in the table. The maximum price for a "second" shall be 80% of the price specified in the table below for first quality handkerchiefs of the same fabric, cut size and construction.

TABLE OF MANUFACTURERS' NET MAXIMUM PRICES (F. O. B. FACTORY) FOR MEN'S PLAIN WHITE PRINT CLOTH AND LAWN HANDKERCHIEFS

(Hemstitched, sold in parcels, all folds, except square and French-folds)

Column 1	Column 2	Column 3	Column 4	
			Manufacturers' net prices	
Fabric	Cut size	Construction	To jobbers (per dozen)	To retailers (per dozen)
Print cloth[1]	18" x 18"	60/48	$0.795	$0.88
		64/56	.835	.925
		64/60	.85	.94
		68/64	.89	.985
		68/72	.905	1.00
		80/80	1.055	1.17
Lawns[2]	18" x 18"	36" 96/100 7.05 yd.	1.24	1.375
	20" x 20"	40" 88/80 6.90 yd.	1.285	1.425
	20" x 20"	40" 96/100 6.75 yd.	1.535	1.76

[1] For print cloth handkerchiefs the following differentials are to be applied to the net maximum prices above:
For plain hems, 3¢ less per dozen.
For 17" x 17" cut size, 5¢ less per dozen.
For 19" x 19" cut size, 5¢ more per dozen.
For square or French-fold*, 5 dozen or less in a box, 7½¢ more per dozen.
For square or French-fold, more than 5 dozen in a box, 5¢ more per dozen.

[2] For lawn handkerchiefs the following differentials are to be applied to the net maximum prices above:
For plain hems, 3¢ less per dozen.
For 17" x 17" cut size, 5¢ per dozen less than price for 18" x 18" cut size.
For 19" x 19" cut size, 5¢ per dozen more than price for 18" x 18" cut size.
For square or French-fold, 5 dozen or less but more than one dozen in a box, 7½¢ more per dozen.
For square or French-fold, more than 5 dozen in a box, 5¢ more per dozen.
For square or French-fold*, one dozen in a box, 12½¢ more per dozen.
*This does not include individually packaged handkerchiefs.

NOTE: For constructions of print cloth handkerchiefs not listed in the table above, and whose thread count falls between two constructions listed in the above table, the net price shall be the price shown for the lower of the thread counts of the two constructions between which it falls. Other constructions of print cloth or of lawn handkerchiefs not listed in the above table are not covered by this section and must be priced under the General Maximum Price Regulation or Maximum Price Regulation 605 whichever is applicable.

(d) *Records.* Every person subject to the provisions of this section shall keep and make available for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect: (i) the records required by the General Maximum Price Regulation and (ii) a duplicate copy of every invoice delivered in accordance with paragraph (e) below.

(e) *Invoices.* Every manufacturer shall, in connection with every sale of handkerchiefs covered by this amendment, including sales for cash, deliver to the purchaser an invoice showing: (i) the date of the sale; (ii) the name and address of the seller and purchaser; (iii) the quantity and description, including kind of fabric, cut size, construction, kind of fold, style number, and

[1] 9 F. R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12812, 13271; 10 F. R. 13692, 13826, 14506, 14740, 15007, 15036, 15036, 15467; 11 F. R. 115, 348, 405, 407, 560, 677, 889, 949, 1405, 1594, 1850, 2042, 3090, 4163, 3090, 3158, 3366, 3415, 4538, 4388, 4976, 5120, 4976, 5228, 5601, 5953, 5954, 6137, 6493, 6680, 6607, 6982, 7282, 8679, 8864, 9357, 9633, 9634, 10509, 10661.

kind of packing (e. g., parcels, less than 5 dozen per box etc.) of each different kind of handkerchief sold; and (iv) the price of each kind of handkerchief listed in (iii) above (if price shown is a gross price, specify the discount offered).

This amendment shall become effective October 23, 1946.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment 59 to Supplementary Regulation 14E

The accompanying amendment replaces the "freeze" prices established under the General Maximum Price Regulation for men's plain white print cloth and lawn handkerchiefs with uniform dollars-and-cents net ceiling prices. The ceiling prices provided reflect the increased direct costs in manufacturing these staple low-priced handkerchiefs since the base period, March 1942.

Recently, data on current manufacturing costs were obtained by the Office of Price Administration with the assistance of, and in consultation with, that segment of the Handkerchief Industry Advisory Committee which was concerned with men's cotton print cloth and combed lawn handkerchiefs. In addition, on August 15, 1946, another meeting with the Handkerchief Industry Advisory Committee reviewed the current cost situation, with special emphasis on the increases recently authorized for cotton textiles and the changes expected to be made in the future to reflect the fluctuations in the cotton prices. The available information revealed the necessity of raising prices of certain men's plain white handkerchiefs to cover the increased material and labor costs, so that an incentive would be provided for the restoration of these low-end items. In effecting this price increase, the Administrator has given effect to the recommendation by the Industry Advisory Committee that uniform dollars-and-cents ceilings be established for the handkerchiefs in question.

Under the "freeze" provisions of the General Maximum Price Regulation prices of men's plain white print cloth and lawn handkerchiefs have frequently varied widely between different sellers. For example, for 36'' lawn handkerchiefs, 96/100 construction, prices ranged from 80 cents to $1.25 per dozen, in sales to retailers. For print cloth handkerchiefs, 64/60 construction, prices ranged from 62½ cents to 75 cents per dozen, in sales to retailers. These variations existed despite the fact that the products are highly standardized. One reason for these variations is that the General Maximum Price Regulation, which "froze" prices at the levels of March 1942, found some manufacturers at relatively low prices, that is, some manufacturers had charged unusually low prices at that time. Some manufacturers were able to avoid the "squeeze" between mounting costs on the one hand and "frozen" prices on the other by availing themselves of the looser pricing provisions of § 1499.2 (b) and § 1499.3 (b) (1) of the General Maximum Price Regulation. Those manufacturers who could not or did not take advantage of these techniques to elude the "squeeze" and were "frozen" at low March 1942 prices, continued to absorb the material and labor cost increases and continued to produce handkerchiefs until rising costs made such manufacturing wholly unprofitable. As a result, the market saw the disappearance of low-end handkerchiefs and was left only with "upgrade" items, selling at prices substantially higher than the level of prices prevailing in March 1942. For a more detailed statment of the causes of the disappearance of low-end products reference is made to the Statement of the Considerations for Supplementary Order 139, which statement is incorporated herein by reference insofar as it is applicable.

The net ceiling prices here established reflect the increases in cost of print cloth and lawn fabrics permitted by Amendments 30, 31, 32 and 33 to Supplementary Order 131. The new prices also include an allowance for the 10 percent increase in wages most recently approved.

The table in the accompanying amendment lists six specific constructions of men's print cloth and three constructions of men's lawn handkerchiefs. These constructions constitute the bulk of the production of men's print cloth and lawn handkerchiefs. The specifications upon which ceiling prices for these handkerchiefs are based have previously been in general use in the industry. Accordingly, the Administrator finds that the accompanying amendment is valid under the provisions of the Taft Amendment, section 2 (j) of the Emergency Price Control Act of 1942, as amended.

Separate dollars-and-cents net ceiling prices (f. o. b. factory) are provided for manufacturers' sales to retailers and for sales to jobbers. The differentials between manufacturers' sales to retailers and sales to jobbers have been determined after consultation with industry representatives, and reflect customary industry practice.

In view of the incentive provided to the production of low-end handkerchiefs by this amendment, the Administrator believes the effect will be that the average level of manufacturers' prices for handkerchiefs will be reduced, as will the prices at which such handkerchiefs will be available to consumers.

[F. R. Doc. 46-18966; Filed, Oct. 18, 1946; 11:21 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14J, Amdt. 30]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CONSUMER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith; and it has been filed with the Division of the Federal Register.

Supplementary Regulation No. 14J is amended in the following respects:

1. Section 3.6 (c) is amended to read as follows:

(c) The maximum prices for the above sales are as follows:

Automobile seat cover model	Maximum price to wholesale distributors	Maximum prices for sales to retailers	Maximum prices for sales to consumers
200, 201, 202	$8.49	$9.93	$16.00
400, 401, 402, 403	7.97	9.32	15.00
A-1200—1-2	9.90	11.58	18.67
A-1400—1-2-3	9.33	10.91	17.59

This amendment shall become effective on the 23d day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 30 to Supplementary Regulation No. 14J

The accompanying amendment adds certain models of automobile seat covers manufactured by Fraser Products Company, of Alpena, Michigan to the covers manufactured by that company for which maximum resale prices have already been established by Supplementary Regulation No. 14J.

The considerations involved in the issuance of this amendment are the same as those set forth in the statement of considerations involved in the issuance of Amendment No. 17 to Supplementary Regulation No. 14J, and are accordingly incorporated herein by reference.

[F. R. Doc. 46-18969; Filed, Oct. 18, 1946; 11:23 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 17, Amdt. 1]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

War Assets Administration Regulation 17, August 21, 1946, entitled "Stock Piling of Strategic and Critical Materials" (11 F. R. 9573) is hereby amended by changing Exhibit A, "List of Strategic and Critical Materials", with respect to those materials described as aluminum, cadmium, and copper as hereinafter set forth.

Material	Types, grades, or forms to be reported	Minimum quantity at one location to be reported (pounds)
Aluminum	Primary or secondary pig or ingot of grades 3, 4, and 5.	50,000
	Primary or secondary pig or ingot, or mill forms, over 2 inch minimum dimension, of grades 2S, 3S, 24S, 25S, A51S, 52S or 61S.	
Cadmium	Metal, in all forms and sizes. Alloys with other metals, in pieces exceeding five pounds each.	1,000
Copper	Electrolytic or fire refined copper: Cathodes, wire bars, cakes, slabs, ingots, ingot bars, billets, or bars.	40,000
	Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases, or refined ingot.	40,000
	Leaded brass mill forms or remelt ingot.	40,000
	Gilding metal mill forms or remelt ingot.	40,000

This amendment shall become effective October 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

OCTOBER 17, 1946.

[F. R. Doc. 46-18995; Filed, Oct. 18, 1946; 11:43 a. m.]

Chapter XXV[1]—Surplus Property Office, Department of the Interior

[Order 2265]

PART 9050—ESTABLISHMENT OF SURPLUS PROPERTY OFFICE

Sec.
9050.1 General.
9050.2 Functions and duties.
9050.3 Abolishment of former office.
9050.4 Effect on former orders and memoranda.
9050.5 Time of taking effect.

AUTHORITY: § 9050.1 to 9050.5, inclusive, issued under 58 Stat. 765, 50 U. S. C. App. sec. 1611 et seq. as amended by Pub. Law 181, 79th Cong., 1st Sess., and Pub. Law 375, 79th Cong., 2nd Sess., and WAA Reg. 1 (32 CFR, Chapter XXIII, Part 8301).

§ 9050.1 *General.* There is hereby created in the Department of the Interior an operating agency, separate from and independent of any other bureau or office, to be known as the Surplus Property Office. The office shall be under the direction and supervision of a Director appointed by and responsible to the Secretary of the Interior.

§ 9050.2 *Functions and duties.* The Surplus Property Office shall carry out the functions and duties of the Department of the Interior under the Surplus Property Act of 1944, as amended, and applicable regulations of the War Assets Administration with respect to the disposition of surplus property in the territories and possessions of the United States. The Director is authorized to take such action as is necessary for the proper fulfillment of his duties hereunder.

§ 9050.3 *Abolishment of former office.* The Surplus Property Office of the Division of Territories and Island Possessions is hereby abolished. Its funds, personnel, records, furniture, equipment and supplies are hereby transferred to the newly created Surplus Property Office.

§ 9050.4 *Effect on former orders and memoranda.* All orders or parts of orders, memoranda or parts of memoranda, in conflict with this order are hereby cancelled, revoked or amended accordingly.

§ 9050.5 *Time of taking effect.* The provisions of this order shall become effective immediately.

J. A. KRUG,
Secretary of the Interior.

OCTOBER 15, 1946.

[F. R. Doc. 46-18803; Filed, Oct. 18, 1946; 8:47 a. m.]

[1] Formerly designated as General Land Office, Department of the Interior (Surplus Property).

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944 AS AMENDED BY PUBLIC LAW 679, 79TH CONGRESS, APPROVED AUGUST 8, 1946

OVERTIME PAY IN CONNECTION WITH REPORTS OF COMPENSATION FOR PRODUCTIVE LABOR PERFORMED BY VETERANS PURSUING COURSES OF EDUCATION OR TRAINING UNDER PART VIII

Sec.
36.273 Definition of "wages" in determining rate of subsistence allowance.
36.274 Procedure where differential in pay is involved.
36.275 Computation where hours of employment are irregular or self-determined.

AUTHORITY: §§ 36.273 to 36.275, inclusive, issued under 58 Stat. 284; 38 U. S. C. 693; Pub. Law 679, 79th Cong.

§ 36.273 *Definition of "wages" in determining rate of subsistence allowance.* Sections 36.270 to 36.272, inclusive (appearing in 11 F. R. 9802), define wages to mean wages received for "the standard work period of the establishment where the veteran is employed and will include overtime work customarily scheduled, but will not include occasional overtime beyond the standard work period of the establishment." The standard work period is the regularly scheduled weekly work period required by the employer or trainer and includes any overtime customarily scheduled and required in the position or job, and the compensation received by the veteran for such overtime is within the definition of wages and must be reported as such by the veteran and the employer. For example, if in the employment situation, the establishment regularly requires the performance of 44 hours of work per week, four hours of which is overtime, the compensation received for the entire 44 hour work period will be considered in determining the rate of subsistence allowance payable and accordingly must be reported by the veteran and the employer. Any overtime beyond this standard work period is "occasional overtime" and the compensation for such overtime is not for consideration in determining the rate of subsistence allowance and the reporting of such compensation will not be required. For example, if the establishment has a standard work period of 44 hours per week but in addition thereto an employee voluntarily or occasionally works 48 hours or 52 hours a week, the earnings for the hours in excess of 44 hours are not for consideration in determining the rate of subsistence allowance and reporting of such compensation will not be required. As a second example, where the standard work period is 44 hours and the employee is required to work one day additional each month, such additional day, even though required, is "occasional overtime" and the compensation received for such "occasional overtime" will not be for consideration in determining the rate of subsistence allowance, and the reporting of such compensation will not be required.

§ 36.274 *Procedure where differential in pay is involved.* Where an employment situation requires work at a time for which a differential in pay is involved, such as a differential for night work, the definition of wages includes both the base pay and the differential. For example, the required work period in an establishment is 40 hours a week. The veteran is employed on a night shift, for which there is paid an additional 10 percent of base pay because of night work. Both the base pay and the 10 percent differential would be included as wages in determining the rate of subsistence allowance payable and accordingly must be reported by the veteran and the employer.

§ 36.275 *Computation where hours of employment are irregular or self-determined.* In the case of a person who is employed and there are no regular hours of required work or who fixes his own hours of work, all compensation for productive labor will be included for the purpose of determining the rate of subsistence allowance payable.

(58 Stat. 284; 38 U. S. C. 693; Public Law 679, 79th Cong.)

OMAR N. BRADLEY,
Administrator of Veterans' Affairs.

OCTOBER 11, 1946.

[F. R. Doc. 46-18855; Filed, Oct. 18, 1946; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—RULES GOVERNING SHIP SERVICE

EXTRA COMPENSATION FOR OVERTIME SERVICES BY INSPECTORS

In the matter of amendment of § 8.301 of the rules and regulations of the Federal Communications Commission.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on October 10, 1946,

It is ordered, Pursuant to the provisions of sections 4 (f) (2) and 4 (i) of the Communications Act of 1934 (47 U. S. C. §§ 154 (f) (2) and (i):

1. That §§ 8.301 (d), (e), and (i) of the rules and regulations of the Federal Communications Commission, interpretative of section 4 (f) (2) of the Communications Act of 1934, as amended, be, and the same are hereby, amended to read as follows:

(d) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between mid-

night and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as may be designated national holidays by the President or by Congress.

(e) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof or at least 1 hour that the overtime extends beyond the said 8 hours provided that the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(i) For any authorized services performed on Sundays and holidays, totalling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

2. That the said amendment be effective immediately upon publication of this order in the Federal Register.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-18821; Filed, Oct. 18, 1946; 8:49 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possessions, Department of Interior

PART 1—ORGANIZATION AND PROCEDURE

SURPLUS PROPERTY OFFICE

CROSS REFERENCE: For order abolishing the Surplus Property Office of the Division of Territories and Island Possessions, described in § 1.5, *see* Title 32, Chapter XXV, *supra.*

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 434, Amdt. 3]

PART 95—CAR SERVICE

FREE TIME ON BOXCARS

At a session of the Interstate Commerce Commission Division 3, held at its office in Washington, D. C., on the 15th day of October, A. D., 1946.

Upon further consideration of the provisions of Service Order No. 434 (11 F. R. 893), as amended (11 F. R. 2190, 10771), and good cause appearing therefor; *It is ordered,* That:

Service Order No. 434, as amended, 49 CFR § 95.434, *Free time on boxcars,* shall not apply to cars on hand at Gulf ports, at 7:00 a. m., October 16, 1946. In lieu thereof tariff provisions shall apply.

It is further ordered, That this amendment shall become effective at 12:01, a. m. October 16, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-18849; Filed, Oct. 18, 1946; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE, KENTUCKY; SQUIRREL HUNTING REGULATIONS

§ 26.503a *Kentucky Woodlands National Wildlife Refuge, Kentucky; squirrel hunting.* Until further notice squirrels may be taken on the lands hereinafter described of the Kentucky Woodlands National Wildlife Refuge, Kentucky, in accordance with the State laws and regulations, and under such special regulations and conditions as may be prescribed by the officer in charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

(a) *Hunting Area No. 1.* All that portion of the refuge lying east of State Highway Number 289 (The Cumberland River Road) and north of the following described line:

Beginning at a point at the intersection of State Highway Number 289 with the line between corners numbered 652 and 653, thence northeasterly with the refuge boundary to the Cumberland River.

(b) *Hunting Area No. 2.* All that portion of the refuge lying within the following described boundaries:

Beginning at the intersection of State Highway Number 289 with the refuge boundary between corners numbered 576 and 577, thence northwesterly with said Highway 289 to the Hematite Church, thence continuing easterly with the said Highway 289 to the refuge boundary at corner numbered 589, thence southerly and westerly with the said refuge boundary to the point of beginning.

(c) *Hunting Area No. 3.* All that portion of the refuge lying south of United States Highway Number 68.

Entry on and use of the refuge for any purpose is covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284; 50 CFR, Cum. Supp., Part 12), as amended and strict compliance therewith is required. All hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses as may be required by such laws and regulations, which license shall serve as a Federal permit.

(Regs., Fish and Wildlife Service dated December 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp., Part 12, as amended April 14, 1945, 10 F. R. 4267)

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 46-18800; Filed, Oct. 18, 1946; 8:46 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

ARIZONA AND COLORADO

REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATIVE SITES

The orders of the First Assistant Secretary, the Assistant Secretary, and the Acting Secretary of the Interior of July 19 and 27, September 23, and October 26, 1907, May 25, June 22, and August 27, 1908, withdrawing the following-described lands for use as forest administrative sites, are hereby revoked:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 19 S., R. 14 E., sec. 23, a tract of 130 acres, described by metes and bounds, in the Coronado National Forest, withdrawn as the Madeira Canyon Administrative Site.

T. 11 S., R. 16 E., sec. 23, a tract of 42 acres, described by metes and bounds, in the Coronado National Forest, withdrawn as the Big Spring Administrative Site.

T. 12 S., R. 17 E., sec. 15, a tract of 130 acres, described by metes and bounds, in the Coronado National Forest, withdrawn as the Brush Corral Administrative Site.

T. 15 S., R. 17 E., sec. 9, SE¼; sec. 10, W½SW¼SW¼ (lot 1) and W½NW¼SW¼ (lot 2).

The areas described aggregate 200 acres, in the Coronado National Forest, withdrawn as the Rincon Administrative Site.

T. 18 S., R. 19 E., sec. 15, NW¼.

The area described contains 160 acres, in the Coronado National Forest, withdrawn as the Whetstone Administrative Site.

T. 20 S., R. 29 E., sec. 13, SW¼NE¼, W½SE¼NE¼, NW¼SE¼, W½NE¼SE¼, E½NE¼SW¼, and E½SE¼NW¼.

The areas described aggregate 160 acres, in the Coronado National Forest, withdrawn as the Sunset Administrative Site.

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 42 N., R. 16 W., sec. 6, SW¼SE¼; sec. 7, NW¼NE¼.

The areas described aggregate 80 acres, in the Montezuma National Forest, withdrawn as the Disappointment Administrative Site.

SIXTH PRINCIPAL MERIDIAN

T. 7 N., R. 84 W., sec. 33, SW¼SE¼.

The area described contains 40 acres, in the Routt National Forest, withdrawn as a part of the State Road Administrative Site.

This order shall not otherwise become effective to change the status of the lands until 10:00 a. m. on the 63rd day from the date on which it is signed, whereupon the public lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to such application, petition, location, or selection as may be authorized by the public-land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that these regulations are applicable.

WARNER W. GARDNER,
Acting Secretary of the Interior.

OCTOBER 4, 1946.

[F. R. Doc. 46-18801; Filed, Oct. 18, 1946; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

NEW HAMPSHIRE

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000–1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of New Hampshire named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

NEW HAMPSHIRE

County	*Limitation*	*County*	*Limitation*
Belknap	$9,000	Hillsboro	$10,500
Carroll	8,500	Merrimack	9,500
Cheshire	11,000	Rockingham	11,500
Coos	9,000	Strafford	11,000
Grafton	9,000	Sullivan	11,000

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18841; Filed, Oct. 18, 1946; 8:51 a. m.]

VERMONT AND WYOMING

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000–1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Vermont and Wyoming below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

VERMONT

County	*Limitation*	*County*	*Limitation*
Addison	$11,500	Orange	$7,500
Bennington	10,000	Orleans	7,000
Caledonia	7,000	Rutland	7,500
Chittenden	11,900	Washington	8,000
Essex	8,000	Windham	8,000
Franklin	8,500	Windsor	7,500
Lamoille	7,500		

WYOMING

County	*Limitation*	*County*	*Limitation*
Albany	$12,000	Natrona	$12,000
Big Horn	11,500	Niobrara	12,000
Campbell	12,000	Park	12,000
Carbon	12,000	Platte	12,000
Converse	12,000	Sheridan	12,000
Crook	12,000	Sublette	12,000
Fremont	12,000	Sweetwater	12,000
Goshen	12,000	Teton	12,000
Hot Springs	12,000	Uinta	12,000
Johnson	12,000	Washakie	12,000
Laramie	12,000	Weston	12,000
Lincoln	12,000		

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18840; Filed, Oct. 18, 1946; 8:51 a. m.]

Production and Marketing Administration.

[Marketing Agreements and Orders]

ORANGES, GRAPEFRUIT, AND TANGERINES IN FLORIDA

GENERAL NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1946–47 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp. 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, as the agency to administer the terms and provisions thereof: (1) that the Secretary of Agriculture find that expenses not to exceed $84,000 will be necessarily incurred during the fiscal period August 1, 1946, to July 31, 1947, for the maintenance and functioning of the committees established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.002 per standard packed box of fruit (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471)

Issued this 15th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18838; Filed, Oct. 18, 1946; 8:52 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-127]

ACCIDENT NEAR ALEXANDRIA, VA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 88729 which occurred near Alexandria, Virginia, on October 12, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, October 22, 1946 at 9:30 a. m. (local time), in Room 315, Post Office Building, Alexandria, Virginia.

Dated at Washington, D. C., October 16, 1946.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 46-18852; Filed, Oct. 18, 1946; 8:45 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[C-443]

JAMESTOWN COCO-COLA BOTTLING CO., INC.

CONSENT ORDER

Jamestown Coca-Cola Bottling Company, Inc., a New York corporation with its principal office and place of business at 1085 East Second Street, Jamestown, New York, is engaged in processing a soft drink. It is charged by the Civilian Production Administration with beginning and carrying on construction on and after May 9, 1946, without authorization and at a cost in excess of $15,000, of a plant or industrial structure located at 562 Fairmount Avenue, Township of Ellicott, Jamestown, New York, which will be used for warehouse and storage, loading and repair purposes and is designed as an integral part of the processing unit. This constituted a violation of Veterans' Housing Program Order 1.

Jamestown Coca-Cola Bottling Company, Inc., admits the violations as charged, does not desire to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Jamestown Coca-Cola Bottling Company, Inc., the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Jamestown Coca-Cola Bottling Company, Inc., its successors or assigns, nor any other person shall do any construction work on the premises at 562 Fairmount Avenue, Township of Ellicott, Jamestown, New York, including putting up, altering, or completing the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be deemed to relieve Jamestown Coca-Cola Bottling Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18954; Filed, Oct. 17, 1946; 4:39 p. m.]

[C-444]

ERICKSON BROTHERS

CONSENT ORDER

John P. Erickson and Theodore Erickson, co-partners doing business as Erickson Brothers with an office and principal place of business at 195 Clyde Avenue, Jamestown, New York, are engaged in the business of general building contractors. They are charged by the Civilian Production Administration with beginning and carrying on construction on and after May 9, 1946, without authorization and at a cost in excess of $15,000, of a plant or industrial structure located at 562 Fairmount Avenue, Township of Ellicott, Jamestown, New York, which will be used for warehouse and storage, loading and repair purposes and is designed as an integral part of the processing unit. This constituted a violation of Veterans' Housing Program Order 1.

John P. Erickson and Theodore Erickson admit the violations as charged, do not desire to contest the same, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of John P. Erickson and Theodore Erickson, the Regional Compliance Manager, and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither John P. Erickson nor Theodore Erickson, whether doing business as Erickson Brothers or otherwise, their heirs, legal representatives, successors or assigns, nor any other person, shall do any construction work on the premises at 562 Fairmount Avenue, Township of Ellicott, Jamestown, New York, including putting up, altering, or completing the structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Nothing contained in this order shall be deemed to relieve John P. Erickson or Theodore Erickson, whether doing business as Erickson Brothers or otherwise, their heirs, legal representatives, successors or assigns, from any restriction, prohibition or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 17th day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-18950; Filed, Oct. 17, 1946; 4:38 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 7898]

LEWISTON-AUBURN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of the Lewiston-Auburn Broadcasting Corporation, Lewiston, Maine, Docket No. 7898; File No. B1-P-5146, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission having under consideration the above-entitled application of the Lewiston-Auburn Broadcasting Corporation, requesting a construction permit for a new standard broadcast station at Lewiston, Maine, to operate on the frequency 1470 kilocycles with 5 kilowatts power, unlimited time, using a directional antenna day and night;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of the Silver City Crystal Company, File No. B1-P-4025, requesting a construction permit to operate on the frequency 1470 kilocycles with 500 watts power, unlimited time, using a directional antenna day and night, at Meriden, Connecticut, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of the Silver City Crystal Company, File No. B1-P-4025, or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

6. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-18808; Filed Oct. 18, 1946; 8:45 a. m.]

[Docket No. 6787]

BELL TELEPHONE SYSTEM CO. ET AL.

ORDER SETTING FORTH DATE FOR ORAL ARGUMENT

In the matter of use of recording devices in conection with telephone service, Docket No. 6787.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission, having under consideration its Proposed Report of August 6, 1946 herein, and having also under consideration various exceptions and comments filed by the parties with respect to said Proposed Report;

It is ordered, That oral argument before the Commission en banc be, and it is hereby scheduled to be held on the 18th day of October 1946 at the offices of the Commission in Washington, D. C.

It is further ordered, That argument shall be presented by the parties in the following order:

(1) Bell Telephone System Companies.
(2) Bluefield Telephone Company.
(3) United States Independent Telephone Association.
(4) The Soundscriber Corporation.
(5) Thomas A. Edison, Inc.
(6) The Dictaphone Corporation.
(7) Frederick Hart & Company.
(8) Wisconsin Public Service Commission.
(9) National Association of Railroad and Utilities Commissioners.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-18807; Filed, Oct. 18, 1946; 8:46 a. m.]

[Docket No. 7782]

JOPLIN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Joplin Broadcasting Company (WMBH), Joplin, Missouri, Docket No. 7782, File No. B4-P-5010, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22nd day of August 1946:

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WMBH to 1310 kc, with power of 5 kw day, 1 kw night, unlimited time, employing a directional antenna for nighttime use, at Joplin, Missouri, and to install a new transmitter and directional antenna system;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Four States Broadcasters, Incorporated (File No. B4-P-4805), requesting a construction permit for a new standard broadcast station to operate on the same facilities upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMBH as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WMBH as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WMBH as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WMBH as proposed would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-18814; Filed, Oct. 18, 1946; 8:47 a. m.]

[Docket No. 7897]

SILVER CITY CRYSTAL CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Silver City Crystal Company, Meridan, Connecticut. Docket No. 7897, file No. B1-P-4025, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission having under consideration the above application of Silver City Crystal Company requesting a construction permit for a new standard broadcast station at Meridan, Connecticut, to operate on the frequency 1470 kc, with 500 w power, unlimited time, using a directional antenna day and night;

It is ordered, pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of The Lewiston-Auburn Broadcasting Corporation (File No. BI-P-5146), requesting a construction permit to operate on the frequency 1470 kc with 5 kw power, unlimited time, using a directional antenna day and night at Lewiston, Maine, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WSAN, at Allentown, Pennsylvania, or with any other existing broadcast station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Lewiston-Auburn Broadcasting Corporation (File No. B1-P-5146), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CFOS at Owen Sound, Ontario, or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Lehigh Valley Broadcasting Company, licensee of Station WSAN, Allentown, Pennsylvania, be, and is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46-18813; Filed, Oct. 18, 1946; 8:47 a. m.]

[Docket No. 7901]

FRED H. WHITLEY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Fred H. Whitley, Kannapolis, North Carolina. Docket No.

7901. File No. B3–P–5266, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 870 kc, with 1 kw power, daytime only, at Kannapolis, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Publix Broadcasting Service of Charlotte, Inc. (File No. B3–P–5276) requesting a construction permit for a new standard broadcast station to operate on 870 kc, with 1 kw power, daytime only, at Charlotte, North Carolina at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Publix Broadcasting Service of Charlotte, Inc. (File No. B3–P–5276) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18811; Filed, Oct. 18, 1946; 8:48 a. m.]

[Docket Nos. 7900, 7773]

MESSENGER PUBLISHING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Messenger Publishing Company, Athens, Ohio, Docket No. 7900, File No. B2–P–5061; Grant Street Radio Stations, Inc., Pittsburgh, Pennsylvania, Docket No. 7773, File No. B2–P–4998, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission having under consideration the above-entitled application of The Messenger Publishing Company requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Athens, Ohio;

It appearing, that the Commission on August 22, 1946, designated for hearing the application of Grant Street Radio Stations, Inc. (File No. B2–P–4998; Docket No. 7773) requesting a construction permit for a new standard broadcast station to operate on 730 kc, with 1 kw power, daytime only, at Pittsburgh, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Messenger Publishing Company be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Grant Street Radio Stations, Inc. (File No. B2–P–4998; Docket No. 7773) at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Grant Street Radio Stations, Inc. (File No. B2–P–4998; Docket No. 7773), Liberty Broadcasting Company (File No. B2–P–3797; Docket No. 7169) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and regulations of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated August 22, 1946, designating for hearing the said application of Grant Street Radio Stations Inc., be, and it is hereby, amended to include the above-entitled application of The Messenger Publishing Company, and to include, among the issues for hearing, issue No. 7, stated above.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18810; Filed, Oct. 18, 1946; 8:48 a. m.]

[Docket No. 7902]

PUBLIX BROADCASTING SERVICE OF CHARLOTTE, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Publix Broadcasting Service of Charlotte, Inc., Charlotte, North Carolina. Docket No. 7902, File No. B3–P–5276, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of October 1946.

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 870 kc, with 1 kw power, daytime only, at Charlotte, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Fred H. Whitley (File No. B3–P–5266) requesting a construction permit for a new standard broadcast station to operate on 870 kc, with 1 kw power, daytime only at Kannapolis, North Carolina at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Fred H. Whitley (File No. B3–P–5266) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18812; Filed Oct. 18, 1946; 8:48 a. m.]

[Docket No. 7899]

T. J. SHRINER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of T. J. Shriner, Hobart, Oklahoma, Docket No. 7899, File No. B3–P–5108, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of October 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, with 250 watts power, unlimited time, at Hobart, Oklahoma;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KTOK at Oklahoma City, Oklahoma; KVOP at Plainview, Texas; KSWO at Lawton, Oklahoma; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

It is further ordered, That KTOK, Inc., licensee of station KTOK at Oklahoma City, Oklahoma; W. J. Harpole and J. C. Rothwell, a partnership, licensee of station KVOP at Plainview, Texas; and R. H. Drewry, J. R. Montgomery, Ted R. Warkentin and Robert P. Scott, a partnership d/b as Oklahoma Quality Broadcasting Company, licensee of station KSWO at Lawton, Oklahoma, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18809; Filed, Oct. 18, 1946; 8:48 a. m.]

[Docket Nos. 7870, 6529]

LOUISE C. CARLSON ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louise C. Carlson, New Orleans, Louisiana, Docket No. 7870, File No. B3–P–5271, for construction permit. Charles C. Carlson (WJBW), New Orleans, Louisiana, Docket No. 6529, File No. B3–R–444, for renewal of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of September 1946;

The Commission having under consideration the application of Louise C. Carlson (File No. B3–P–5271, Docket No. 7870) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at New Orleans, Louisiana; and

It appearing, that the Commission on June 27, 1946, designated for further hearing the application of Charles C. Carlson (File No. B3–R–444; Docket No. 6529) requesting renewal of license of Station WJBW, operating on 1230 kc, with 250 w power, unlimited time, at New Orleans, Louisiana, which hearing is scheduled to be held on October 10, 1946 at New Orleans, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Louise C. Carlson be, and it is hereby, designated for consolidated hearing in the above proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of this Commission heretofore issued on June 27, 1946, designating the said application of Charles C. Carlson for further hearing be, and it is hereby, amended to include the said application of Louise C. Carlson and to include the following issue:

21. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18820; Filed, Oct. 18, 1946; 8:49 a. m.]

[Docket No. 7783]

HANFORD PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Stanley S. Beaubaire and W. Keith Topping, d/b as Hanford Publishing Co., Hanford, California,

Docket No. 7783, File No. B5–P–4869, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 620 kc, with 1 kw power, unlimited time, employing a directional antenna for nighttime use, at Hanford, California;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Fresno Broadcasting Co. (File No. B5–P–5005) requesting a construction permit for a new standard broadcast station to operate on 620 kc, with 1 kw power, unlimited time, employing a directional antenna for daytime and nighttime use, at Fresno, California, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Fresno Broadcasting Co. (File No. B5–P–5005) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.
7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18819; Filed, Oct. 18, 1946; 8:49 a. m.]

[Docket No. 7791]

EDWARD L. SCHACHT

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Edward L. Schacht, Oneonta, New York, Docket No. 7791, File No. B1–P–4898, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new AM station to operate on 1400 kc, with 250 w power, unlimited time, at Oneonta, New York;

It is ordered, That the said application be, and it is hereby, designated for hearing upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.
3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.
4. To determine whether the operation of the proposed station would involve objectionable interference with Station WABY at Albany, New York, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.
6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.
7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That The Adirondack Broadcasting Company, Inc. (WABY), be, and it is hereby, made a party to the above proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18816; Filed, Oct. 18, 1946; 8:50 a. m.]

PALESTINE BROADCASTING CORPORATION (AM STATION KNET), PALESTINE, TEX.[1]

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on October 9, 1946, there was filed with it an application (B3–TC–509) for its consent under sec. 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed transfer of control of Palestine Broadcasting Corporation, licensee of Radio Station KNET, Palestine, Texas, from Billy Averitte Laurie, Ben A. Laurie and Leita Moye Laurie to John Franklin Long, Bay City, Texas, Joe J. Brown, Palestine, Texas, and Gordon B. McLendon, Dallas, Texas. The arrangements for transfer of control of KNET are based upon a contract of August 31, 1946, under which the selling stockholders would dispose of all their 100 shares of stock to the purchasers for a total of $37,500, of which amount $15,000 has been placed in escrow with the Texas State Bank of Jacksonville, Texas, the remaining $22,500 to be paid upon approval of the application. Further details as to the arrangements between the parties and concerning the application may be determined from an inspection of the papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted Rule 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by applicants at the time of the filing of the application (October 9, 1946) that starting on October 11, 1946, notice of the filing of the application would be inserted in a paper of general circulation at Palestine, Texas, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from October 11, 1946 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 USCA 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 46–18822; Filed, Oct. 18, 1946; 8:48 a. m.]

[Docket No. 7793]

ANDERSON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Anderson Broadcasting Company, Inc., Anderson, South

[1] Section 1.321, Part I, Rules of Practice and Procedure.

Carolina, Docket No. 7793, File No. B3–P–4995, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 1 kw power, daytime only, at Anderson, South Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of WLBG, Inc. (File No. B3–P–4587) requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 250 w power, daytime only, at Laurens and Clinton, South Carolina, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of WLBG, Inc. (File No. B3–P–4587) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–18817; Filed, Oct. 18, 1946; 8:49 a. m.]

[Docket No. 7792]

WLBG, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WLBG, Inc., Laurens-Clinton, South Carolina, Docket No. 7792, File No. B3–P–4587, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22d day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 250 w power, daytime only, at Laurens and Clinton, South Carolina;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Anderson Broadcasting Company, Inc. (File No. B3–P–4995), requesting a construction permit for a new standard broadcast station to operate on 860 kc, with 1 kw power, daytime only, at Anderson, South Carolina, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Anderson Broadcasting Company, Inc. (File No. B3–P–4995) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–18818; Filed, Oct. 18, 1946; 8:49 a. m.]

[Docket No. 7781]

FOUR STATES BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Four States Broadcasters, Incorporated, Joplin, Missouri; Docket No. 7781, File No. B4–P–4805, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 22nd day of August 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1310 kc, with power of 5 kw day, 1 kw night, unlimited time, employing a directional antenna for nighttime use, at Joplin, Missouri;

It is ordered, That the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Joplin Broadcasting Company (WMBH) (File No. B4–P–5010) requesting a construction permit to change the facilities of Station WMBH to the same facilities as those requested by the instant applicant, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WMBH as proposed.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the service as proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–18815; Filed, Oct. 18, 1946; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 628]

UNLOADING OF CARS AT BUFFALO, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of October A. D. 1946.

It appearing, that cars CN 461386 and CNW 130397, containing various commodities at Buffalo, N. Y., on The New York, Chicago and St. Louis Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered that:

(a) *Cars at Buffalo, N. Y., be unloaded.* The New York, Chicago and St. Louis Railroad Company, its agents or employees, shall unload immediately the following cars now on hand at Buffalo, N. Y.:

Initial and No.	Contents	Consignee
CN461386	Steel cabinets and sinks.	Abraham Strauss, Brooklyn, N. Y.
CNW130397	Stone sawed two sides.	Harry J. Furlong, New York, N. Y.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 18, 1946, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-18850; Filed, Oct. 18, 1946; 8:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 580, Rev. Order 265]

AMSTERDAM TEXTILES

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Revised Order 265. Establishing ceiling pdices, at retail for certain articles. Docket No. 6063–580–13–805.

Order No. 265 is redesignated Revised Order 265 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) For a sale at retail of any cotton rug having the brand names "Sof-tred," "Tex-tred", "Hearthtone" or "Rippletone," manufactured by Amsterdam Textiles, Amsterdam, New York, sold through its sole selling agent, Geo. E. Mallinson Importing Company, Inc., 295 Fifth Avenue, New York 16, New York (also referred to hereinafter as the "Company") and delivered on or after the effective date of this revised order, the ceiling price shall be the sum of the net invoice cost to the retailer of that article (not including discounts, freight, and other allowances) plus an amount equal to 82.3% thereof adjusted to the nearest five cents, except in the western zone.[1] In the western zone,[1] the retail ceiling price shall be the sum of the net invoice cost to the retailer of that article (not including discounts, freight, and other allowances) plus an amount equal to 93.4% thereof adjusted to the nearest five cents. When the Company is permitted to and does change its ceiling price for an article the retail price of which has once been established pursuant to this order, the retail price of that article must be revised in accordance with this order. However, at the time of or before the first delivery of an article at such a changed retail price, the Company must send a notification showing the new selling price and the new required retail price, both to its customer and also to the OPA Distribution Branch, Washington, D. C.

(b) The retail ceiling prices covered by this order shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(c) Within 20 days after the effective date of this revised order, Amsterdam Textiles must mark each article covered herein with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price, $———

With each shipment by Geo. E. Mallinson Importing Company, Inc. between the effective date of this revised order and 20 days thereafter, of articles not properly preticketed in accordance with this order, Geo. E. Mallinson Importing Company, Inc. shall notify each purchasing retailer in writing that the article is not accurately ticketed and that the purchaser is required to ticket these articles in accordance with the provisions of paragraph (a). No retailer may offer or sell the article unless it is marked or tagged in the form stated above and in accordance with the provisions of this order.

(d) At the time of or before the first delivery to any purchaser for resale of any article covered herein, the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery.

(e) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER, *Administrator.*

Opinion Accompanying Revised Order No. 265 Under Maximum Price Regulation 580

The accompanying revised Order No. 265 substantially embodies the original order and all subsequent amendments thereto, issued to Geo. E. Mallinson Importing Company, Inc., 295 Fifth Avenue, New York 16, New York, under Section 13 of Maximum Price Regulation 580, and also establishes a pricing formula whereby a fixed markup is applied to the net invoice cost to the retailer. This will enable the manufacturer to continue his customary practice of maintaining uniform retail selling prices on his branded merchandise. Furthermore, the marking, tagging and posting provision and the notice provision have been revised.

[F. R. Doc. 46–18983; Filed, Oct. 18, 1946; 11:27 a. m.]

[1] The western zone consists of the following States: Colorado, Montana, Wyoming, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

[RMPR 506, Amdt. 3 to Order 4]

BROOKVILLE GLOVE CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 3 to order No. 4 under section 4 (b) of Revised Maximum Price Regulation 506. Maximum prices for staple work gloves. Brookville Glove Company. Docket No. N6657–506–12–7.

For the reasons set forth in the opinion issued simultaneously herewith; *It is ordered:*

Order No. 4 under section 4 (b) of RMPR 506 is amended in the following respects.

1. Paragraph (a) is amended by adding thereto the following:

For sales and deliveries on and after ----------, 1946, the manufacturer's maximum prices for style numbers 712X — 712XBT — 59X — 58XNOTN — 958XNO — 59XTN — 979 — 79TN — 79K—79 shall be the base price computed from the above manufacturer's

prices as directed in RMPR 506, section 4 (b) plus the material cost adjustment, computed as directed in RMPR 506, Appendix E, from the following adjustment factors:

Style No.	Adjustment factor	
	Flannel	Tubing
712X	6.39	.43
712XBT	7.29	
59X	8.70	
58XNOTN	8.89	
958XNO	7.32	
59XTN	8.89	
979	6.86	
79TN	8.43	
79K	5.93	.43
79	8.24	

2. Subparagraph (b) (1) is amended to read as follows:

(1) The instructions for manufacturers in Appendix A and Appendix E, and the rules relating to the pricing of the "seconds", contained in section 4 (c) of RMPR 506.

3. The notice contained in paragraph (d) is amended to read as follows:

This notice is sent to you as required by Order No. 4 under section 4 (b) of Revised Maximum Price Regulation 506 issued by the Office of Price Administration. It lists ceiling prices fixed by OPA for the work gloves enumerated in the table below, manufactured by Brookville Glove Company, Brookville, Pennsylvania.

OPA has ruled that the manufacturer may sell these numbers at or below the prices listed in Column A below, subject to the provisions of section 4 (a) of RMPR 506 with respect to the quota of deliveries which must be made at Group I prices. Wholesalers will determine their ceiling prices for "regular sales" at wholesale in accordance with section 3 (a) (2) of RMPR 506, and retailers, in accordance with section 2 of that regulation.

Style No.	Column A Manufacturer's prices	
	Group I Ceiling	Group II Ceiling
712XS 712XBTS 59XS 58XNOTNS 958XNOS 59XTNS 979S 79TNS 79KS 79S	(Here list your ceiling prices in effect on the date of delivery of the gloves to the customer.)	

Issued and effective this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment 3 To Order No. 4 Under Section 4 (b) of Revised Maximum Price Regulation 506

The order hereby amended provided maximum prices for certain staple work gloves manufactured by Brookville Glove Company, Brookville, Pennsylvania. That company has applied under section 4 (b), as amended, for adjustment factors for the computation of its material cost adjustment under Appendix E of Revised Maximum Price Regulation 506 for ten style numbers of the gloves priced under that order. The adjustment factors provided by the accompanying amendment are "in-line" with the level of adjustment factors provided under RMPR 506, as amended.

[F. R. Doc. 46-18871; Filed, Oct. 18, 1946; 8:53 a. m.]

[Rev. Gen. Order 32, Amdt. 24]

REGIONAL ADMINISTRATORS AND TERRITORIAL DIRECTORS OF HAWAII, PUERTO RICO, THE VIRGIN ISLANDS, AND ALASKA

DELEGATION OF AUTHORITY TO ACT FOR PRICE ADMINISTRATOR

Revised General Order 32 is amended by adding paragraph (c) (9) to read as follows:

(9) The Regional Administrator for the IXth Region and the Territorial Directors in Puerto Rico, the Virgin Islands of the United States, and Alaska are hereby authorized to exercise within their respective jurisdictions the functions, duties, powers and authority conferred upon the Price Administrator to issue individual or general orders permitting sellers to adjust their maximum prices for sales of food products and wearing apparel on account of increased costs of transportation if the commodities being priced were shipped or enroute by air on and after October 10, 1946; *Provided,* That,

(i) The commodities set forth in (9) above are in short supply on account of disruption of normal boat shipments;

(ii) The amount of adjustment does not exceed the difference between the transportation cost actually incurred in bringing in the commodity from the mainland by air and the cost which would have been incurred for an identical shipment if brought in from the mainland by boat;

(iii) Such orders contain appropriate record-keeping and invoicing requirements;

(iv) Such orders are made temporary only and subject to revocation at any time.

This amendment shall become effective as of October 10, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-18856; Filed, Oct. 18, 1946; 8:45 a. m.]

[MPR 120, Order 1762]

BITUMINOUS COAL IN DISTRICT 15

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in acccordance with § 1340.207 (a) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The applicable maximum prices of coal sold for rail or truck shipment produced by all underground mines in Subdistficts Nos. 4, 5 and 6 of District No. 15, with the exception of the Boothe Coal Company Mine, Mine Index No. 450, are hereby increased 50 cents per ton.

(b) The maximum prices established herein are f. o. b. the mine or preparation plant for truck shipments, f. o. b. the rail or river shipping point for rail or river shipments, and f. o. b. the rail shipping point for railroad fuel for all uses.

(c) The applicants shall include a statement on all invoices in connection with the sales of coal priced under this order that the prices charged include an adjustment granted by Order No. 1762 under Maximum Price Regulation No. 120 of the Office of Price Administration.

(d) All prayers of applicants not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Except as specifically provided in this order, the provisions of Maximum Price Regulation No. 120 shall remain in effect.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 1762 Under Maximum Price Regulation No. 120

On August 30, 1946, the Bituminous Coal Industry Advisory Committee for District No. 15 submitted its formal recommendation to the Office of Price Administration for adjustment of maximum prices applicable to underground mines operating in Subdistricts Nos. 4, 5 and 6 in District No. 15. The Administrator has carefully considered these recommendations and has investigated the cost position of the mines involved as compared with that of other operating mines in District 15.

It appears that the mines involved, in Subdistricts 4, 5 and 6, are high cost mines; and that mining conditions are such that the cost cannot be maintained at the level of most mines in the district. From an analysis of their actual and anticipated costs, and statements contained in the recommendations of the Advisory Committee, as well as other information available to the Office of Price Administration, it appears that the representative cost of production of all producers operating underground mines in Subdistricts Nos. 4, 5 and 6 of District No. 15, with the exception of the Boothe Coal Company Mine, Mine Index No. 450, will exceed their potential realization from the sale of their coal at existing maximum prices. Therefore, an adjustment of such maximum prices permitting the said mines to obtain a realization approximating their cost of production is warranted pursuant to § 1340.207 (a) of Maximum Price Regulation No. 120. The accompanying order is therefore issued to increase the maximum prices of underground mines in the said subdistricts in accordance with the recommendations of the Committee.

[F. R. Doc. 46-18860; Filed, Oct. 18, 1946; 8:47 a. m.]

[Rev. SO 119, Order 349]

CHARM SLIDE FASTENER CORP.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register; and pursuant to section 12 of Revised Supplementary Order No. 119; it is ordered:

(a) *Manufacturer's ceiling prices.* Charm Slide Fastener Corporation, 578 Broadway, New York, may compute its adjusted ceiling prices for sales by it of all articles in its product line of slide fasteners which it manufactures, as follows:

(1) For an article which has a properly established ceiling, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by no more than 19.7 per cent.

(2) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers, other than commercial users, of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows: A reseller other than a commercial user, shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a maximum price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records, showing all the information called for by OPA Form 620–759 with regard to how he determined his maximum price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the seller shall apply to the Office of Price Administration for the establishment of a maximum price under § 1499.3 (c) of the General Maximum Price Regulation. Maximum prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(d) *Definition.* The term "commercial user" as used in this order shall mean a purchaser for resale of an article covered by this order, who resells such article in a form which is not substantially the same as it was when he purchased it from his supplier. For instance, a dress manufacturer or a luggage manufacturer who purchases a slide fastener for resale and uses that slide fastener for incorporation into a dress or a piece of luggage, shall be a commercial user.

(d) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under Office of Price Administration regulations or orders.

(e) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale other than a commercial user on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(f) The provisions of Supplementary Order No. 153 shall not apply to any of the articles covered by this order.

(g) Order No. L–110 under section 12 of Revised Supplementary Order No. 119 is hereby revoked subject to the provisions of Supplementary Order No. 40.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 349 Under Revised Supplementary Order No. 119

The accompanying order is issued under section 12 of Revised Supplementary Order No. 119 pursuant to application of Charm Slide Fastener Corporation, 578 Broadway, New York 12, N. Y. for an adjustment of its maximum prices for sales by it of slide fasteners which it manufactures.

The order also revokes Order No. L–110 under section 12 of Revised Supplementary Order No. 119 which it replaces.

The order is issued for the same reasons and upon the same considerations that Order No. L–110 was issued and the reasons and considerations contained in that order are incorporated herein and made a part hereof by reference. Briefly they are that applicant is given this adjustment which is in line with the adjustments granted to other slide fastener manufacturers because applicant is eligible for an adjustment under the order although it did not manufacture the product in 1941.

It is necessary to replace Order No. L–110 by this order for the reason that that order adjusted applicant's prices for sales only to commercial users, it being understood that that class of purchaser was the only class that applicant sold to. However, applicant was and is eligible for an adjustment as to each class of purchaser and this order is issued to correct the deficiency of the first order. As to purchasers for resale except commercial users it is necessary to establish resellers' provisions as they sell through normal distributive channels to the ultimate consumer. Thus a formal order is necessary, and as the only change which it makes is the establishment of resellers' provisions, it does not change the substance of Order No. L–110, which it replaces.

[F. R. Doc. 46–18857; Filed, Oct. 18, 1946; 8:46 a. m.]

[SO 133, Order 79]

TABLE ROCK FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Supplementary Order No. 133, it is ordered:

(a) *Manufacturer's maximum prices.* Table Rock Furniture Company, Morgantown, North Carolina may increase its maximum prices properly established under Maximum Price Regulation No. 188 (exclusive of any adjustment charges) for wood bedroom furniture which it manufactures, by 27.4 percent of each such maximum price.

(b) *Resellers' ceiling prices.* Resellers of articles which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580 and a wholesaler who must determine his ceiling price under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling price under that regulation as modified by Order No. 4800 under § 1499.158b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price", the reseller shall calculate his ceiling prices by adding to his invoice cost the same percentage mark-up which he had on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form No. 820–752 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or, thereafter, properly established under Office of Price Administration regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) The manufacturer shall file the report described in section 5 of Supplementary Order No. 133 with the Office of Price Administration, Washington 25, D. C., and shall comply with the invoicing and reporting provisions of Order No. 4800 under Maximum Price Regulation No. 188.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 18th day of October, 1946.

Issued this 18th day of October, 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 79 Under Supplementary Order No. 133

Table Rock Furniture Company, Morgantown, North Carolina, requested an adjustment under Supplementary Order No. 133 of its maximum prices for sales of bedroom furniture which it manufactures.

Supplementary Order No. 133 authorizes the granting of an increase in the maximum price of a manufacturer when his products are covered by Maximum Price Regulation No. 188, if the manufacturer shows that unless an adjustment is authorized he will be compelled to conduct his entire business operations at a loss. In addition, it must appear that the loss is not due to any of the factors listed in section 3 (b) of Supplementary Order No. 133.

The information submitted demonstrates that the articles in question are covered by Maximum Price Regulation No. 188; that the manufacturer's current overall operations are being conducted at a loss; and that such loss is not occasioned by any of the factors listed in section 3 (b) of Supplementary Order No. 133. Therefore, the accompanying order permits a uniform percentage increase in the manufacturer's maximum prices with respect to the items specified in the application. This increase will enable the manufacturer to operate without loss.

In compliance with the requirements of section 5 of Supplementary Order No. 133, the manufacturer is advised of his duty to file a profit and loss statement covering the first three months of his operations under this order with the Office of Price Administration, Washington 25, D. C., within four months after the effective date of this order. Since the provisions of Order No. 4800 under Maximum Price Regulation No. 188 are also applicable, the manufacturer is further informed of his duty to file the report required by section 9 of that order together with the necessity of furnishing an invoice to purchasers for resale setting forth an unadjusted maximum price as required by Order No. 4800.

Purchasers for resale of the articles which the manufacturer sells at adjusted prices are permitted to pass on to their customers the amount of the increase permitted by the accompanying order which is in excess of that authorized for the manufacturer's industry generally by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188. This follows from the requirements contained in Order No. 4800 under § 1499.159b of Maximum Price prices. This is in accordance with the manufacturer must furnish his purchasers for resale with an invoice of a particular type and under which purchasers for resale are given fixed rules as to how they determine their resale ceiling prices. This is in accordance with the policy of the Office of Price Administration in cases where industry-wide actions have been taken with respect to a particular commodity, and a manufacturer of that commodity has also qualified for an individual adjustment in excess of that granted the industry generally.

[F. R. Doc. 46–18858; Filed, Oct. 18, 1946; 8:47 a. m.]

[MPR 120, Order 1763]

B. AND L. COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The B. & L. Mine of B. & L. Coal Company, Angus, Iowa, is hereby assigned Mine Index No. 1017 and Maximum Truck Price Group No. 28, and its coals are classified in District No. 12 for truck shipment.

(b) Coals produced by B. & L. Coal Company at its B. & L. Mine, a shaft mine, Mine Index No. 1017, located in Greene County, Iowa, in District No. 12, may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

	Size group Nos.				
	1	2	3	4	5
Truck or wagon shipments..	6.47	6.37	6.27	6.17	6.57

	Size group Nos.					
	6	7	7A	8	9	10
Truck or wagon shipments	5.87	5.92	6.37	4.52	5.12	3.42

(c) The maximum prices established herein are f. o. b. the mine or preparation plant for truck shipments for all uses. The schedule maximum prices shall apply to all size groups and all methods of shipment not listed herein.

(d) The mine index number and the price classifications assigned herein are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mine involved herein is located and where the amendment makes no particular reference to the mine involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups.

(e) The producer herein is subject to the provisions of § 1340.223 and all other provisions of Maximum Price Regulation No. 120.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 1763 Under Maximum Price Regulation No. 120

On June 15, 1946, B. & L. Coal Company, Angus, Iowa, filed an application, pursuant to § 1340.210 (a) (6) of Maximum Price Regulation No. 120 for the establishment of price classifications and maximum prices for the coals of its B. & L. Mine, a new shaft truck mine, located in Greene County, Iowa, in District No. 12.

Applicant requests that its maximum prices be based upon those applicable to Mine Index No. 207 of Marguerite Andreoli. It appears that Mine Index No. 207 is the nearest mine in the same seam producing coals comparable to ap-

plicant's. In keeping with the policy of § 1340.210 (a) (6) of Maximum Price Regulation No. 120, applicant's price classifications and maximum prices should, therefore, be based upon those of Mine Index No. 207. Accordingly, the order which this opinion accompanies establishes maximum prices based on those of Mine Index No. 207. A mine index number is also assigned for identification of the coals.

[F. R. Doc. 46-18861; Filed, Oct. 18, 1946; 8:48 a. m.]

[MPR 188, Amdt. 1 to Order 4737]

WEST BEND ALUMINUM CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

That paragraph (a) (1) in Order No. 4737 under § 1499.158 of Maximum Price Regulation No. 188 be amended to read as follows:

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Chain stores, mail order houses, and jobbers	Department stores	Other retailers	Consumers
Aluminum serving oven	5340	*Each* $1.20	*Each* $1.35	*Each* $1.59	*Each* $2.65
Trig tea kettle	4522½	1.75	1.98	2.33	3.50

These maximum prices are for the articles described in the manufacturer's application dated November 7, 1945.

This amendment shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment No. 1 to Order No. 4737 Under § 1499.158 of Maximum Price Regulation No. 188

On December 5, 1945, Order No. 4737 under § 1499.158 of Maximum Price Regulation No. 188 was issued establishing maximum prices for sales of aluminum serving ovens and copper trig tea kettles manufactured by West Bend Aluminum Company, West Bend, Wisconsin. The manufacturer has requested review of the prices established for the sales of the trig tea kettle.

Accordingly, the construction and design of the applicant's product have been compared with those of more comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by the accompanying amendment for the manufacturer's sales are in line with the maximum prices of those more comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are based on revised prices established for the manufacturer's sales and are therefore in line with the general levels of maximum resale prices for similar merchandise, as they allow the sellers mark-ups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-18862; Filed, Oct. 18, 1946; 8:49 a. m.]

[MPR 188, Amdt. 1 to Order 4905]

EVEREDY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

That paragraph (a) (1) in Order No. 4905 under § 1499.158 of Maximum Price Regulation No. 188 be amended to read as follows:

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Chain stores, mail order houses, and jobbers	Department stores	Other retailers	Consumers
Stainless steel plastic handle covered chicken fryer	6500	*Each* $2.50	*Each* $3.00	*Each* $3.33	*Each* [1] $5.00 [2] 5.15
Stainless steel plastic handle 3-quart covered saucepan	6200	2.40	2.88	3.20	[1] 4.80 [2] 4.95

[1] East.
[2] West.

These maximum prices are for the articles described in the manufacturer's application dated December 13, 1946.

This amendment shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment No. 1 to Order No. 4905 Under § 1499.158 of Maximum Price Regulation No. 188

On March 13, 1946, Order No. 4905 under § 1499.158 of Maximum Price Regulation No. 188 was issued establishing maximum prices for sales of stainless steel cooking utensils manufactured by the Everedy Company, Frederick, Maryland. The manufacturer requested review of the prices established for the sales of these articles.

Accordingly, the construction and design of the applicant's product have been compared with those of more comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by the accompanying amendment for the manufacturer's sales are in line with the maximum prices of those more comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are based on revised prices established for the manufacturer's sales and are therefore in line with the general levels of maximum resale prices for similar merchandise, as they allow the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-18863; Filed, Oct. 18, 1946; 8:49 a. m.]

[MPR 188, Order 5243]

KNOX GLASS BOTTLE CO. ET AL.

ORDER AUTHORIZING ADJUSTABLE PRICING

An application for adjustment of maximum prices has been filed on behalf of the following:

Knox Glass Bottle Company, Knox, Pennsylvania; Marienville Glass Company, Marienville, Pennsylvania; Oil City Glass Bottle Company, Oil City, Pennsylvania; Wightman Bottle and Glass Manufacturing Company, Parkers Landing, Pennsylvania; Lincoln Glass Bottle Company, Lincoln, Illinois, Seaboard Glass Bottle Company, Pittsburgh, Pennsylvania; The Denver Glass Bottle Company, Denver, Colorado; all of which are glass container manufacturing companies, and Knox Glass Associates, Inc., of Knox, Pennsylvania, an associated sales company through which the above-named manufacturing companies distribute their entire output; and

Pennsylvania Bottle Company, Sheffield, Pennsylvania, and the Lummis Glass Company, of New York, New York, through which the Pennsylvania Bottle Company distributes its entire output; and

Metro Glass Bottle Company, Jersey City, New Jersey, and the Metro Glass Containers, Inc., of New York, New York, through which the Metro Glass Bottle Company distributes its entire output; and

Knox Glass Bottle Company, of Jackson, Mississippi, and Palestine, Texas, which distributes its output direct.

It appears that authorization for the above-named producers and their distributors to use adjustable pricing, pending final action on the petition for modification of maximum prices, is necessary to promote the production and continued supply of narrow mouth glass containers, and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

After due consideration of the foregoing and in accordance with § 1499.19a of the General Maximum Price Regulation, which is made part of Maximum Price Regulation 188, as amended, by incorporation pursuant to § 1499.151 thereof; *It is ordered:*

(a) Pending final determination by the Office of Price Administration of the application for adjustment of maximum prices now on file, Knox Glass Bottle Company, Knox, Pennsylvania; Marienville Glass Company, Marienville, Pennsylvania, Oil City Glass Bottle Company, Oil City, Pennsylvania; Wightman Bottle and Glass Manufacturing Company, Parkers Landing, Pennsylvania; Lincoln Glass Bottle Company, Lincoln, Illinois; Seaboard Glass Bottle Company, Pittsburgh, Pennsylvania; The Denver Glass Bottle Company, Denver, Colorado; Knox Glass Associates, Inc., Knox, Pennsylvania; Pennsylvania Bottle Company, Sheffield, Pennsylvania; Lummis Glass Company, New York; Metro Glass Bottle Company, Jersey City, New Jersey; Metro Class Containers, Inc., New York, New York; and Knox Glass Bottle Company, Jackson, Mississippi, and Palestine, Texas, are hereby authorized to sell and any person may buy from them narrow mouth glass containers, at prices not in excess of the maximum prices established in accordance with Maximum Price Regulation No. 188, as amended; *Provided, however,* That the aforementioned companies and purchasers from them or any of them may agree in any contract for the sale of narrow mouth glass containers, that the contract price may be adjusted to conform to the final determination of the Price Administrator upon the application for adjustment of maximum prices and: *Provided further,* That the aforementioned companies may not receive and purchasers from them or any of them may not pay an amount in excess of the maximum prices established under Maximum Price Regulation 188, as amended, until final action is taken on the application for adjustment of maximum prices now pending, and unless such final action permits an increase of such maximum prices. This action does not apply to home canning jars.

(b) This order shall be automatically revoked upon the effective date of action by the Office of Price Administration on the application for adjustment.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-18864; Filed, Oct. 18, 1946; 8:49 a. m.]

[MPR 188, Order 5244]

ZENITH OPTICAL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Zenith Optical Company, 220 Eighth Street, Huntington, West Virginia.

(1) For all sales and deliveries by any seller, the maximum prices are those set forth below:

Article	Model No.	Price to jobbers, multiples of 12 units	Price to retailers, multiples of 12 units	Price to retailers, 1-12 units	Price to consumers
		Each	*Each*	*Each*	*Each*
Replacement parts for Fireglas Deluxe Coffee Makers, Model No. 8-A:					
Plastic handle assembly	NA	$0.20	$0.24	$0.27	$0.40
Stainless steel handle band	BA	.13	.15	.17	.25
Heat resistant glass, upper bowl	UA	.68	.81	.90	1.35
Heat resistant glass, lower bowl	LA	.55	.66	.73	1.10
Neoprene bushing	GA	.18	.21	.23	.35
Flannel filter cloth, package of 12	FCB	.20	.24	.27	.40
Stainless filter spring	FSB	.18	.21	.23	.35
Replacement parts for Fireglas Coffee Percolator, Model No. 219:					
Plastic handle assembly	PH	.20	.24	.27	.40
Stainless steel handle band	PB	.15	.18	.20	.30
Heat resistent glass bowl	PV	.80	.96	1.07	1.60
Heat resistent glass cover	PC	.20	.24	.27	.40
Aluminum stem and basket assembly	PI	.43	.51	.57	.85
Replacement parts for Fireglas 1½ Quart Double Boiler, Model No. 3115:					
Heat resistent glass, upper bowl (1½ qts.)	DB	.60	.72	.80	1.20
Heat resistent glass, lower bowl (2 qts.)	DBL	.68	.81	.90	1.35
Plastic handle assembly	DBH	.20	.24	.27	.40
Stainless steel handle band	DBB	.15	.18	.20	.30
Heat resistent glass cover	DBC	.20	.24	.27	.40

These maximum prices are for the articles described in the manufacturer's application dated Sept. 25, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers in lots of more than 100 lbs. the terms are net delivered. For sales to persons other than consumers in lots of less than 100 lbs. the terms are f. o. b. factory. These articles are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) This order shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 5244 Under § 1499.158 of Maximum Price Regulation No. 188

By application dated September 25, 1946, Zenith Optical Company, Huntington, West Virginia, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of various Replacement Parts for Fireglas Percolator, Coffee Maker, and Double Boiler, which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-18865; Filed, Oct. 18, 1946; 8:50 a. m.]

[MPR 276, Order 1]

HOOD RUBBER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1 under § 1346.307 (b) of Maximum Price Regulation No. 276. Asphalt Tile Flooring. Hood Rubber Co. Docket No. 6122-276-1346.307-1.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1346.307 (b) of Maximum Price Regulation 276, *It is ordered:*

(a) The maximum prices, established under Maximum Price Regulation No. 276, for sales of asphalt tile flooring by the Hood Rubber Company, Watertown, Massachusetts, to its various classes of purchasers, may be increased by an amount not in excess of 15 percent.

(b) All provisions of Maximum Price Regulation 276 not inconsistent with this order shall apply to sales covered by this order.

(c) Any person purchasing, for the purpose of resale in the same form, asphalt tile flooring from the Hood Rubber Company, Watertown, Massachusetts, may increase his present maximum prices established under the General Maximum Price Regulation by an amount not exceeding the percentage increase in acquisition cost resulting to him from the increases permitted the Hood Rubber Company under (a), above.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This Order No. 1 shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 1 Under § 1346.307 (b) of Maximum Price Regulation No. 276

The Hood Rubber Company, Watertown, Massachusetts, a division of the B. F. Goodrich Company, New York, New York, a manufacturer of asphalt tile, has applied for adjustment of its maximum selling prices of this product. At present, asphalt tile is subject to Maximum Price Regulation 276, and the individual adjustment provision of this regulation, § 1346.307 (b) incorporates the provisions of section 16 of Maximum Price Regulation 592 insofar as they are applicable to this product. Accordingly, this application has been processed pursuant to the standards set forth in section 16 of Maximum Price Regulation 592.

This Office has examined the applicant's over-all financial data for the base period years 1936–1939, inclusive, and its segregated financial data for the years 1944, 1945, and its latest accounting period, the first six months of 1946. An analysis of the submitted data indicates: (1) that the applicant's current over-all profit position is favorable as compared with the average base period earnings adjusted for subsequent increases in net worth; and that the current sales realization on asphalt title, after reflecting the full effect of cost increases which were incurred subsequent to the beginning of the latest accounting period for which data were submitted, does not cover the total costs of manufacturing and selling this product. Accordingly, it appears appropriate under the standards set forth in section 16 of Maximum Price Regulation 592, to increase the maximum selling prices of asphalt tile by an amount equal to that required to return total costs for manufacturing and selling.

Based on the above considerations, the accompanying order increases the applicant's maximum selling prices of asphalt tile by 15 percent, and establishes adjusted maximum prices which will permit the applicant to recover total costs for manufacturing and selling this product.

Resellers are permitted to increase their existing maximum prices for asphalt tile by the percentage increase in their acquisition costs resulting from the adjustment granted the Hood Rubber Company. Thus, resellers will continue to realize the same percentage margin on this product-line as was in effect prior to the issuance of the accompanying order.

[F. R. Doc. 46–18869; Filed, Oct. 18, 1946; 8:52 a. m.]

[MPR 188, Order 5245]

ROSE-GREEN LAMP CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Rose-Green Lamp Company, 1300 South Millard Avenue, Chicago 23, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Glass and brass table lamp and rayon shade	300	*Each* $4.68	*Each* $5.50	*Each* $9.90
Plated metal swing-arm bridge lamp with onyx insert and rayon shade	806-S	15.09	17.75	31.95
Plated metal torchier with onyx insert and glass reflector	806-T	13.39	15.75	28.35

These maximum prices are for the articles described in the manufacturer's application dated August 15, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago 23, Illinois, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 5245 Under § 1499.158 of Maximum Price Regulation No. 188

By application dated August 15, 1946, Rose-Green Lamp Company, 1300 South Millard Avenue, Chicago 23, Illinois, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps and shades which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46–18866; Filed, Oct. 18, 1946; 8:50 a. m.]

[MPR 188, Order 5246]

DA-LITE LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Da-Lite Lamp Mfg. Co., 3822 W. Roosevelt Road, Chicago 24, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
25" painted composition figurine table lamp and hand sewn silk drape shade	143-F, 143-M	*Each* $5.91	*Each* $6.95	*Each* $12.51
22" decorated 2-piece china table lamp with plated metal, break, handles and mounting and hand sewn silk shade	175	7.44	8.75	15.75
23" all metal gold plated table lamp and hand sewn silk drape shade	375	6.49	7.63	13.73

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago 24, Illinois, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 5246 Under § 1499.158 of Maximum Price Regulation No. 188

By application dated August 9, 1946, Da-Lite Lamp Manufacturing Company, 3822 W. Roosevelt Road, Chicago 24, Illinois, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps and shades which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-18867; Filed, Oct. 18, 1946; 8:50 a. m.]

[MPR 188, Order 5247]

FRED S. GRUENBERG

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Fred S. Gruenberg, 4871 Broadway, New York 34, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
23" walnut, maple or bleached oak and metal table lamp with parchment shade	10/50-D	*Each* $4.12	*Each* $4.85	*Each* $8.73
23" walnut, maple or bleached oak and crystal table lamp with parchment shade	20/50-D	4.33	5.10	9.18
23" walnut, maple or bleached oak and crystal table lamp with parchment shade	20/803	4.46	5.25	9.45
23" walnut, maple or bleached oak and metal table lamp with fabric shade	10/80/M	4.89	5.75	10.35
23" walnut, maple or bleached oak and crystal table lamp with fabric shade	20/80/M	5.10	6.00	10.80
23" walnut, maple or bleached oak and metal table lamp with fabric shade	11/80/M	5.95	7.00	12.60
23" walnut, maple or bleached oak and metal table lamp with leather bound copper screen shade	119/77	9.14	10.75	19.35

These maximum prices are for the articles described in the manufacturer's application dated, August 9, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. New York 34, New York, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 19th day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 5247 Under § 1499.158 of Maximum Price Regulation No. 188

By application dated August 9, 1946, Fred S. Gruenberg, 4871 Broadway, New York 34, New York, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps and shades which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-18868; Filed, Oct. 18, 1946; 8:52 a. m.]

[MPR 382, Order 10]

KNOX GLASS BOTTLE CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

An application for adjustment of maximum prices has been filed on behalf of the following:

Knox Glass Bottle Company, Knox, Pennsylvania; Marienville Glass Company, Marienville, Pennsylvania; Oil City Glass Bottle Company, Oil City, Pennsylvania; Wightman Bottle and Glass Manufacturing Company, Parkers Landing, Pennsylvania; Lincoln Glass Bottle Company, Lincoln, Illinois; Seaboard Glass Bottle Company, Pittsburgh, Pennsylvania; The Denver Glass Bottle Company, Denver, Colorado; all of which are glass container manufacturing companies, and Knox Glass Associates, Inc., of Knox, Pennsylvania, an associated sales company through which the above named manufacturing companies distribute their entire output; and

Pennsylvania Bottle Company, Sheffield, Pennsylvania, and the Lummis Glass Company, of New York City, through which the Pennsylvania Bottle Company distributes its entire output; and

Metro Glass Bottle Company, Jersey City, New Jersey, and the Metro Glass Containers, Inc., of New York City, through which the Metro Glass Bottle Company distributes its entire output; and

Knox Glass Bottle Company, of Jackson, Mississippi, and Palestine, Texas, which distributes its output direct.

This application is being processed pursuant to the provisions of section 1.10 (c) of Maximum Price Regulation No. 382.

It appears that authorization for the above-named producers and their distributors to use adjustable pricing, pending final action on the petition for modification of maximum prices, is necessary to promote the production and continued supply of wide-mouth glass containers, and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

After due consideration of the foregoing and in accordance with section 1.5 of Maximum Price Regulation No. 382; *It is ordered:*

(a) Pending final determination by the Office of Price Administration of the application for modification of maximum prices now on file, Knox Glass Bottle Company, Knox, Pennsylvania; Marienville Glass Company, Marienville, Pennsylvania; Oil City Glass Bottle Company, Oil City, Pennsylvania; Wightman Bottle and Glass Manufacturing Company, Parkers Landing, Pennsylvania; Lincoln Glass Bottle Company, Lincoln, Illinois; Seaboard Glass Bottle Company, Pittsburgh, Pennsylvania; The Denver Glass Bottle Company, Denver, Colorado; Knox Glass Associates, Inc., Knox, Pennsylvana; Pennsylvania Bottle Company, Sheffield, Pennsylvania; Lummis Glass Company, New York, New York; Metro Glass Bottle Company, Jersey City, New Jersey; Metro Glass Containers, Inc., New York, New York; and Knox Glass Bottle Company, Jackson, Mississippi and Palestine, Texas are hereby authorized to sell and any person may buy from them wide-mouth glass containers, at prices not in excess of the maximum prices established in accordance with Maximum Price Regulation No. 382, as amended: *Provided, however,* That the aforementioned companies and purchasers from them or any of them may agree in any contract for the sale of wide-mouth glass containers, that the contract price may be adjusted to conform to the final determination of the Price Administrator upon the application for adjustment of maximum prices and: *Provided further,* That the aforementioned companies may not receive and purchasers from them or any of them may not pay an amount in excess of the maximum prices established under Maximum Price Regulation No. 382, as amended, until final action is taken on the application for adjustment of maximum prices now pending, and unless such final action permits an increase of such maximum prices. This action does not apply to home canning jars.

(b) This order shall be automatically revoked upon the effective date of action by the Office of Price Administration on the application for adjustment. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-18870; Filed, Oct. 18, 1946; 8:53 a. m.]

[MPR 120, Order 1761]

F. A. LORENZO ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

(DR.) F. A. LORENZO, PUNXSUTAWNEY, PA., LORENZO NO. 6 MINE, D SEAM, MINE INDEX NO. 5833, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: WALSTON, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Rail and truck price classification	F	F	F	F	F
Rail shipment	427	427	427	397	397
Railroad locomotive fuel	412	412	397	387	387
Truck shipment	452	427	427	417	407

(DR.) F. A. LORENZO, PUNXSUTAWNEY, PA., LORENZO NO. 7 MINE, D SEAM, MINE INDEX NO. 5834, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: WALSTON, PA., STRIP MINE

Rail and truck price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

ALFRED LUTZ, MILESBURG, PA., LUTZ MINE, C' SEAM, MINE INDEX NO. 5822, CLEARFIELD COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: CATARACT, PA., DEEP AND STRIP MINE

Rail and truck price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

The foregoing maximum prices are applicable to strip-mined coal. To determine the maximum prices on deep-mined coal add 92 cents per net ton to each of the foregoing maximum prices.

MCCORMICK COAL CO., BARNESBORO, PA., MCCORMICK NO. 3 MINE, C' SEAM, MINE INDEX NO. 5837, CAMBRIA COUNTY, PA., SUBDISTRICT 17, RAIL SHIPPING POINT: PATTON, PA., STRIP MINE

Rail and truck price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

CLOSE MCMILLAN COAL CO., BOX 809, CUMBERLAND, MD., MCMILLAN NO. 1 MINE, PARKER SEAM, MINE INDEX NO. 5856, ALLEGANY COUNTY, MD., SUBDISTRICT 43, RAIL SHIPPING POINT: MT. SAVAGE, MD., DEEP MINE

Rail and truck price classification	D	D	D	D	D
Rail shipment	452	432	427	417	417
Railroad locomotive fuel	412	412	397	387	387
Truck shipment	462	437	437	427	417

MILLER & MILLER, GIPSY, PA., MILLER & MILLER MINE, C' SEAM, MINE INDEX NO. 5827, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: HOOVERHURST, PA., STRIP MINE

Rail and truck price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

MORGANTOWN COAL CO., R. D. NO. 2, BOSWELL, PA., FRITZ NO. 2 MINE, E SEAM, MINE INDEX NO. 5847, SOMERSET COUNTY, PA., SUBDISTRICT 36, RAIL SHIPPING POINT: BOSWELL, PA., DEEP MINE

Rail and truck price classification	D	D	D	D	D
Rail shipment	452	432	427	417	417
Railroad locomotive fuel	412	412	397	387	387
Truck shipment	462	437	437	427	417

JACK MOROS, BOX 47, DIXONVILLE, PA., MOROS MINE, D SEAM, MINE INDEX NO. 5848, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT: DIXONVILLE, PA., DEEP MINE

Rail and truck price classification	F	F	F	F	F
Rail shipment	427	427	427	397	397
Railroad locomotive fuel	412	412	397	387	387
Truck shipment	452	427	427	417	407

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 1761 Under Maximum Price Regulation No. 120

The order which this opinion accompanies establishes maximum prices and price classifications and assigns mine index numbers to mines in District No. 1 which had not been classified and numbered by the former Bituminous Coal Division. This is done in accordance with § 1340.210 (a) (6) of the regulation which provides for this action.

Under this section, a producer is required to file an application for maximum prices and classifications based upon those of the nearest mine in the same or substantially similar seams. Generally the producer requests the prices and classifications he deems proper.

This application was then submitted to the industry advisory committee for District No. 1. The prices and classifications established are those recommended by the committee and those requested by the applicants, if a request was made, and are fair and equitable.

[F. R. Doc. 46-18859; Filed, Oct. 18, 1946; 8:47 a. m.]

[MPR 591, Order 862]

GROTE MFG. CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices for sales by any person to consumers of the following medicine cabinets manufactured by The Grote Manufacturing Company of Bellevue, Kentucky and described in its application dated September 27, 1946, shall be:

	On sales to Consumers
Model MC 440 and CW 1167 steel medicine cabinet, 13¾" x 18" with unframed plate glass mirror 14" x 20"	$13.29
Model SF 440 and W 1167 steel medicine cabinet, 13¾" x 18" with framed plate glass mirror 14" x 20"	13.95
Model SF 440 and W 1167 steel medicine cabinet, 13¾" x 18" with framed window glass mirror 14" x 20"	12.24
Model MC 440 and CW 1167 steel medicine cabinet, 13¾" x 18" with unframed window glass mirror 14" x 20"	11.62

(b) On sales to the following classes of trade f. o. b. point of shipment the maximum net prices in (a) above are subject to the following discounts:

On sales to jobber, 50 and 10 percent.
On sales to chain stores, 40 percent.
On sales to dealers or retailers, 33⅓ percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 862 Under Section 9 of Maximum Price Regulation No. 591

The accompanying Order No. 862 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for medicine cabinets manufactured by The Grote Manufacturing Company, Bellevue, Kentucky.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under section 7 or 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides

that the manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

[F. R. Doc. 46-18872; Filed, Oct. 18, 1946; 8:53 a. m.]

[MPR 591, Order 863]

UTILITY APPLIANCE CORP.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 391; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following forced air furnaces manufactured by Utility Appliance Corporation of Los Angeles, California, and as described in its application dated September 20, 1946, shall be:

	On sales to jobbers or distributors uninstalled	On sales to retailers or dealers uninstalled	On sales to consumers uninstalled
Model 31-300, utility forced air furnace	$150.66	$186.00	$248.00

(b) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942, on sales of commodities in the same general category.

(c) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(d) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each seller as well as the maximum prices established for purchasers upon resale.

(c) Utility Appliance Corporation shall stencil or tag in a conspicuous place on each item covered by this order, substantially the following:

"OPA maximum retail price uninstalled $248.00 plus any permissible freight charges"

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 863 Under Section 9 of Maximum Price Regulaion No. 591

The accompanying Order No. 863 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for forced air furnaces manufactured by Utility Appliance Corporation, Los Angeles, California.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 or 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591, section 9.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that the manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

[F. R. Doc. 46-18873; Filed Oct. 18, 1946; 8:55 a. m.]

[MPR 591, Order 864]

WILLIAMSON HEATER CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Oil Burner Package Units manufactured by Williamson Heater Company and as described in its application dated September 17, 1946, shall be:

	On sales to—	
	Jobbers or distributors	Retailers or dealers uninstalled
Model OB No. 1	$116.48	$145.60
Model OB No. 2	117.68	147.10
Model OB No. 3	118.88	148.60

(b) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942 on sales of commodities in the same general category.

(c) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(d) Each seller covered by this order, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 19, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 864 Under Section 9 of Maximum Price Regulation No. 591

The accompanying Order No. 864 under section 9 of Maximum Price Regulation No. 591 establishes maximum prices for sales at all levels of distribution for Oil Burner Package Units manufactured by Williamson Heater Company, Cincinnati, Ohio.

These particular commodities were only recently introduced into the market by the manufacturer. Maximum prices for the items could not be established under sections 7 and 8 of Maximum Price Regulation No. 591, because this company had never manufactured comparable commodities. Consequently, maximum prices must be approved pursuant to the provisions of section 9 of Maximum Price Regulation No. 591.

In its application the company submitted its proposed prices for the commodities covered by this order. An analysis of the information submitted indicated that the prices requested are in line with the prices of competitive manufacturers for comparable commodities and, therefore, are in line with the level of prices established under Maximum Price Regulation No. 591.

In order to avoid any confusion on the part of resellers as to their maximum prices and for the purposes of protecting consumers, the accompanying order establishes dollars-and-cents prices for all levels of distribution. Maximum prices established for resellers reflect the usual margins of such resellers on sales of comparable products.

The commodities manufactured by this company will be distributed by many resellers who may or may not have access to copies of the accompanying order. Therefore, in order to avoid confusion on the part of resellers who do not have access to this order, the order provides that the manufacturer shall notify each of its purchasers of its maximum prices as well as purchasers' maximum resale prices.

[F. R. Doc. 46-18874; Filed, Oct. 18, 1946; 8:56 a. m.]

[SR 14–H, Amdt. 1 to Order 6]

PICK-UP AND DELIVERY SERVICES FOR WESTERN TRUNK LINE RAILROADS AT CHICAGO, ILLINOIS

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY THE GENERAL MAXIMUM PRICE REGULATION, FOR CERTAIN TRANSPORTATION SERVICES

For the reasons set forth in the accompanying opinion, and under the authority vested in the Administrator by Section 9 of Supplementary Regulation No. 14–H, as amended, Order No. 6 under Supplementary Regulation No. 14–H is hereby amended by adding to the railroads named in the footnote, The Baltimore and Ohio Railroad Company.

This amendment shall apply to all services performed on and after October 1, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amdt. 1 to Order No. 6, Under Section 9 of Supplementary Regulation No. 14–H Under the General Maximum Price Regulation

This amendment establishes maximum rates for the performance of pick-up and delivery services by motor carriers for The Baltimore and Ohio Railroad Company at Chicago, Illinois.

On March 28, 1946, Order No. 6 was issued under Supplementary Regulation No. 14–H which established maximum rates for the performance of pick-up and delivery services by motor carriers for thirteen (13) western trunk line railroads at Chicago, Illinois, for services performed on and after January 1, 1946. Order No. 6 did not include pick-up and delivery services for The Baltimore and Ohio Railroad Company.

By a request filed on September 30, 1946, The Baltimore and Ohio Railroad Company asked that Order No. 6 be amended so as to include it within the scope of the order. It appears that The Baltimore and Ohio Railroad Company uses the same facilities, both railroad and motor truck, as the Alton Railroad, which is included in Order No. 6. Pick-up and delivery services are performed for both The Baltimore and Ohio Railroad Company and the Alton Railroad Company by the same pick-up and delivery carriers, and freight for the two railroads is sometimes handled in the same trucks at the same time. The facts which warranted the issuance of Order No. 6 and which are stated in the opinion accompanying that order are equally applicable to the services performed for The Baltimore and Ohio Railroad Company.

[F. R. Doc. 46–18968; Filed, Oct. 18, 1946; 11:23 a. m.]

[MPR 188, Revocation of 2d Rev. Order A-3]

CONSUMERS' GOODS SOLD FOR COMMERCIAL, PROFESSIONAL, INDUSTRIAL, OR INSTITUTIONAL USE

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered:*

(a) Second Revised Order No. A-3 under Section 1499.159b of Maximum Price Regulation No. 188 is hereby revoked subject to the provisions of Supplementary Order No. 40.

(b) This revocation shall have no effect on the validity of any order issued on or before the 23d day of October 1946, which grants an adjustment of his maximum prices to any individual manufacturer, under the provisions of Second Revised Order No. A-3 under § 1499.159b of Maximum Price Regulation No. 188.

This order shall become effective on the 23d day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order Revoking Second Revised Order No. A–3 Under Section 1499.159b of Maximum Price Regulation No. 188

The accompanying order revokes Second Revised Order No. A–3 under § 1499.159b of Maximum Price Regulation No. 188, which provides for individual adjustments of the maximum prices for sales by manufacturers of articles which they manufacture, which are covered by Maximum Price Regulation No. 188, and which are of a type not customarily ultimately sold for household use, provided that the increase in price resulting from the adjustment will be in an inconsequential cost factor in the business of the ultimate user.

Second Revised Order No. A–3 allowed an adjustment under the above circumstances in two cases: 1. Where a manufacturer's entire operation was profitable but his maximum price for the particular article was less than his unit manufacturing cost plus packing and shipping costs when delivered prices were quoted or freight allowed or equalized. 2. His entire operation was at a loss or would be so within 90 days and his maximum price was less than total cost to make and sell.

The amount of the adjustment in the first of the above cases would be sufficient to bring his adjusted maximum price up to his unit manufacturing cost plus packing and shipping costs, and in the second case to bring it up to his total unit cost to make and sell the article.

Supplementary Order No. 133 provides for an adjustment in the maximum prices of a manufacturer who can show that unless an adjustment is authorized, he will be compelled to conduct his entire business operation at a loss, and that such loss is not due to any of the seven factors set forth in section 3 (b) of the order.

In such a case the amount of the adjustment will be sufficient to compensate for the prospective loss established by the applicant. The articles covered by this order are those for which ceiling prices are established under the maximum price regulations listed in Appendix A of the order, and since Maximum Price Regulation No. 188 is one of those regulations, Supplementary Order No. 133 covers the same articles as does Second Revised Order No. A–3. The coverage of Supplementary Order No. 133, however, is even broader since it is not limited to articles which are not customarily ultimately sold for household use.

As to manufacturers, therefore, who are operating at an overall loss, Supplementary Order No. 133 has already replaced Second Revised Order No. A–3. It is felt that there is no longer any other use for that order as, its most important use having been provided for elsewhere, the number of applications under it that have been filed with this office has become negligible. Not only has Supplementary Order No. 133 replaced its usefulness to this large extent, but there are other adjustment provisions available which further limit its usefulness. This coupled with the fact that it may well be said at this time that in view of the general progress of the transition from war to peace, the loss provisions of Supplementary Order No. 133 are the only such provisions that are desirable to have in effect at this time, leads to the conclusion that the order should be revoked. While there may be a rare case in which a deserving manufacturer may be deprived of an adjustment by this revocation, the advantage of revoking the order and thus clarifying the situation by having one instead of two such provisions, outweighs any advantage to be gained.

In order that the existing price structure should not be disturbed, the accompanying order of revocation provides that individual adjustment orders which are already in effect shall still be valid. The revocation of Order No. A–3 would not have revoked such outstanding orders in any event, but an express provision is incorporated into the order of revocation so that no doubt can be raised.

[F. R. Doc. 46–18978; Filed, Oct. 18, 1946; 11:26 a. m.]

[MPR 188, Amdt. 3 to Order 4934]

SALES OF SOFT MATTRESSES

MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 4934 under § 1499.159b of Maximum Price Regulation No. 188, be and it hereby is amended in the following respects:

1. Section 2 (b) is amended to read as follows:

(b) *Increase factor.* (1) Manufacturers may increase by 32 percent their maximum prices (exclusive of any previously permitted increases) properly established under Maximum Price Regulation No. 188, or the "comparability method" of Order No. 4332 under that regulation, for sales to all persons except household consumers.

(2) Manufacturers may increase by 17 percent their maximum prices (exclusive of any previously permitted increases) properly established under Max-

imum Price Regulation No. 188, or the "comparability method" of Order No. 4332 under that regulation, for their sales to ultimate consumers.

2. Section 2 (c) (1) is amended to read as follows:

(1) His maximum price properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 under that regulation, increased by 32 percent in accordance with paragraph (b) (1) of this section, or increased by 17 percent in accordance with paragraph (b) (2) of this section, whichever is applicable.

3. Section 2 (d) is amended to read as follows:

(d) *"Unadjusted maximum prices."* A manufacturer's "unadjusted maximum price" for his sale of an article covered by this order shall be 89 percent of his actual selling price for the article. Actual selling price is the manufacturer's price to a particular class of purchaser without deducting cash discounts, PM's—premium money payments or freight allowances. If the articles are sold on a delivered basis, the delivered price is the actual selling price; if sold on an f. o. b. factory basis, the f. o. b. factory price is the actual selling price; if sold in carload lots, the carload price is the actual selling price; if sold in l. c. l. the l. c. l. price is the actual selling price.

4. Section 9 (a) is amended to read as follows:

(a) *Definition.* An article covered by this order is a "branded article" if:

(1) It was and is consistently continued to be advertised at a uniform retail price, or from the time the article is first offered for sale and thereafter, it is consistently advertised at a uniform retail price.

(2) It is identified by a brand or company name; and

(3) It shall be generally sold at retail at the advertised uniform retail price.

5. Section 13 is amended to read as follows:

SEC. 13. *Revision of maximum prices.* Any maximum price adjusted under this order may be revised by the Price Administrator whenever he determines that such an adjusted maximum price is not in line with the level of October 1941 prices increased by 32 percent for sales by manufacturers to all classes of purchasers except ultimate consumers, and by 17 percent for sales by manufacturers to ultimate consumers. In determining the "in-lineness" of a manufacturer's adjusted maximum price, due consideration will be given to the manufacturer's customary price relation to other manufacturers in the industry.

This amendment shall be effective on the 23d day of October 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment 3 to Order No. 4934 Under § 1499.159b of Maximum Price Regulation No. 188

The accompanying amendment to Order 4934 under § 1499.159b of Maximum Price Regulation No. 188 provides for a 32% increase in maximum prices for manufacturers' sales to all persons except ultimate consumers, of soft mattresses (blown, plated, and cotton felt types). This represents a further increase of 17 percentage points above the 15% now permitted under Order 4934. The amendment also establishes an increase factor of 17% for manufacturers of soft mattresses who sell directly to ultimate consumers. At present there is no increase permitted for manufacturers' sales to ultimate consumers. This is an interim adjustment and, in the opinion of the Administrator, the resultant level of prices will not exceed the industry average current total costs to make and sell soft mattresses.

The price action is taken under the Transition Product Standard. The considerations for using this standard are set forth in the original statement of considerations accompanying this order.

Soft mattress manufacturers have requested a further adjustment of their maximum prices since they have experienced substantial increases in production costs since the issuance of Order 4934. The Office of Price Administration has, therefore, made an examination of material and labor cost increases that have occurred since the last study of soft mattress production costs (March 1946). One of the major material cost increases is the 63.8% increase in the price of cotton linters, effective October 1 as ordered by the Office of War Mobilization and Reconversion. Cotton linters amount to approximately 45% of the material cost, or 30% of the total cost of cotton mattresses. Based primarily on this along with certain other cost increases, the decision has been reached that some immediate action is warranted.

As set out in the opinion accompanying Order 4934, the Office of Price Administration has in its files cost, price, and profit data for 1941 and March 1942 pertaining to soft mattresses, as well as information relative to legal increases from 1941 to date in the cost of materials and labor used in soft mattress production. Since this information is available it has been deemed advisable to issue the accompanying interim action based on projected increases in costs since 1941. The office wil then proceed with an industry survey of current costs to determine what final action, if any, should be taken.

This cost analysis is based on an examination of projected costs alone, assuming 1941 conditions of production, and thus does not reflect changes since 1941 in production processes, production volume, materials used, nor in the cost-price relationship. However, since immediate action is of importance in granting price relief, the conclusion has been reached that if a material increase factor of 20.6 percentage points over the former material increase factor of 24.2%, and a labor increase factor of 42.2% over 1941 costs are applied to the 1941 total average costs, the resultant cost figure will not exceed the current total average costs to make and sell soft mattresses. The labor factor reflects the addition of the increases in basic wage rates in terms of labor costs, since the first analysis (resulting in the 15% increase originally granted by Order 4934) as well as the increases included in that analysis. The material increase factor reflects approximately half of the legal increases in materials prices in terms of material costs that have occurred since the first analysis as well as those recognized in that analysis. These material and labor increase factors were applied to the 1941 consolidated average total costs of soft mattresses making the adjusted average total cost 32.2% higher than the 1941 average total selling price. This increase, rounded to 32%, is authorized by the accompanying order.

Order No. 4934 made no provision for the adjustment in maximum prices for sales by manufacturers directly to consumers. The increase in retail prices permitted by that order was relatively small. The Administrator, therefore, determined that it would be inexpedient at that time to conduct a survey of direct-selling manufacturer's sales. However, since these manufacturers experience substantially the same kind of cost increases as manufacturers who sell to resellers, an adjustment of 17% over current prices is granted for sales by manufacturers to consumers. That increase is equivalent approximately to the increase over the average 1941 prices for mattresses sold at the retail level through retailers.

This amendment maintains the provisions of the original Order 4934 which requires each manufacturer to bill as his unadjusted price 89% of his selling price. This segregates for absorption purposes an amount of the total price to retailers which is equivalent to 12.35% of the figure designated as the manufacturer's unadjusted price. Manufacturers are also required to preticket branded mattresses at 172% of their selling price after deducting cash discounts. These provisions are in conformity with section 2 (t) of the Price Control Extension Act, as amended, which provides ". . . in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

The accompanying amendment also amplifies the language of section 2 (d) in order to further clarify what is a manufacturer's actual selling price for the purpose of calculating his "unadjusted maximum price."

Section 9 of the order provides for the establishment of adjusted maximum prices for "branded articles" covered by the order. In order to permit of the marketing of new "branded articles", the definition of "branded article" contained in section 9 has been revised by removing the existing restriction that "branded articles" must be articles which were in production and were advertised under brand names during or prior to March 1942.

The Administrator has advised and consulted with representative members of the industry and has given consideration to their recommendations.

All provisions of this amendment and their effect upon business practices, cost practices, or methods, or means or aids,

to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids, or methods established in the industry or industries affected, have been included in the amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the amendment or of the act. To the extent that the provisions of this amendment compel or may operate to compel changes in business practices, cost practices, or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion in this amendment or the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18975; Filed, Oct. 18, 1946; 11:25 a. m.]

[MPR 188, Correction to Order 5122]

Household Kitchen Ware

Adjustment of Ceiling Prices

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That section 5 of Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 as originally issued be corrected by redesignating the second paragraph (d) appearing in that section as paragraph (e).

This correction shall become effective as of the 5th day of August 1946.

Issued this 18th day of October 1946.

Paul A. Porter,
Administrator.

Opinion Accompanying Correction to Order No. 5122 Under § 1499.159b of Maximum Price Regulation No. 188

Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 as originally issued contained two paragraphs (d) in section 5. This was a typographical error which is corrected by redesignating the second paragraph (d) in that section as paragraph (e).

[F. R. Doc. 46-18976; Filed, Oct. 18, 1946; 11:25 a. m.]

[MPR 188, Corr. to Amdt. 3 to Order 5122]

Household Kitchen Ware

Approval of Maximum Prices

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That Amendment No. 3 to Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 be corrected in the following respects:

1. The reference to "section 4" in item 4 is corrected to read as a reference to "section 5".

This correction shall become effective as of the 30th day of September 1946.

Issued this 18th day of October 1946.

Paul A. Porter,
Administrator.

Opinion Accompanying Correction to Amendment No. 3 to Order No. 5122 Under §1499.159b of Maximum Price Regulation No. 188

Item 4 of Amendment No. 3 to Order No. 5122 under § 1499.159b of Maximum Price Regulation No. 188 purports to amend paragraph (d) of section 4 of the order. This was a typographical error. That item was to have amended paragraph (d) of section 5 of the order. The necessary correction is made by the accompanying action.

[F. R. Doc. 46-18977; Filed, Oct. 18, 1946; 11:26 a. m.]

[2d Rev. MPR 191, Revocation of Order 1]

Cotton Linters

Authorization of Sales at Adjustable Maximum Prices

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 3 of 2d Revised Maximum Price Regulation 191, *It is ordered:*

Order No. 1 under section 3 of 2d Revised Maximum Price Regulation 191 is hereby revoked.

This order shall become effective October 23, 1946.

Issued this 18th day of October 1946.

Paul A. Porter,
Administrator.

Opinion Accompanying Revocation of Order No. 1 Under Section 3 of 2d Revised Maximum Price Regulation 191

The accompanying order revokes Order No. 1 under 2d Revised Maximum Price Regulation 191 which authorized open-billing for sales of cotton linters.

By Amendment 3 to 2d Revised Maximum Price Regulation 191, industry-wide increases were granted in the maximum prices of these products designed to faciliate the production and distribution of cotton linters and to remove an impediment to the transition to a normal peacetime economy. Consequently, a generally fair and equitable price adjustment having been made, there is no longer a necessity for an open billing authorization.

In accordance with the provision in the opinion accompanying Order No. 1 which stipulated that this order would be revoked once a final action was adopted by the Office of Price Administration, Order No. 1 is revoked.

In view of the foregoing, the Administrator finds that the accompanying revocation order is in accord with the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-18979; Filed, Oct. 18, 1946; 11:26 a. m.]

[MPR 580, Rev. Order 128]

Phoenix Hosiery Co.

Establishing Ceiling Prices at Retail for Certain Articles

Maximum Price Regulation 580, Revised Order 128. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-817.

Order 128 is redesignated Revised Order 128 and is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:* (a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by Phoenix Hosiery Company, 320 East Buffalo Street, Milwaukee, Wisconsin, having the brand name "Phoenix."

Children's and misses' hose

Manufacturer's net ceiling price (per dozen)	*Retail ceiling price (per pair)*
$2.45	$0.35
2.69	.39
2.74	.39
3.20	.45
3.43	.50
4.15	.59
4.15	.60
4.56	.65
5.00	.70
5.54	.79
5.55	.79
7.10	1.00

Men's hose

4.15	.60
5.00	.70
5.14	.75
5.65	.80
6.85	1.00
6.95	1.00
7.25	1.00
9.31	1.35
9.50	1.35
10.29	1.50

Women's hose

8.55	1.20
9.50	1.35
10.90	1.55

Neckties

10.50	1.50

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same net selling price to the retailer, the same brand name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after November 12, 1946, Phoenix Hosiery Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price, $_____

On and after December 12, 1946, no retailer may offer or sell the article un-

less it is marked or tagged in the form stated above. Prior to December 12, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, Phoenix Hosiery Company as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order.

(e) At the time of or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this revised order and, thereafter, any subsequent amendment thereto.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 18, 1946.

Issued this 18th day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Revised Order 128 Under Maximum Price Regulation No. 580

The accompanying revised order No. 128 substantially embodying the original order and all subsequent amendments thereto, issued to Phoenix Hosiery Company, 320 East Buffalo Street, Milwaukee, Wisconsin, under section 13 of Maximum Price Regulation 580, revises paragraph (a) to list all of Phoenix Hosiery Company's current cost lines which were covered by the order prior to this revision as well as those now in its line. The revision is made in the interest of a more effective administration of the order. Cost lines not listed in paragraph (a) of this revised order are no longer covered by the order even though they are included in the original application for the order. The cost range for women's hose has been broadened by adding a new cost line. Furthermore, the markings, tagging and posting provision of paragraph (d) and the notice provision of paragraph (e) have been revised.

The retail prices here established are based upon an average margin of 41.4% on selling price (except insofar as specific price points requested by the company result in a lower margin) and, for the kind of hosiery involved, reflect the proportionate amount of absorption required generally for other types of hosiery of the same constructions. The hosiery priced under this amendment belongs to a group of hosiery (i. e., hosiery priceable under section 13 orders) for which the Administrator has found it possible to determine separately a reduced margin reflecting the same proportion of absorption required for other hosiery priced under General Retail Order 3. The distinction which the Administrator has made in this case as between branded hosiery priced under Section 13 orders and these other types of hosiery is consistent with the distinction which has normally existed. Under Amendment 10 to General Retail Order 3, issued August 23, 1946, a margin of 37.6% on selling price was fixed for the pricing of hosiery generally, the difference between that margin and the normal margin of 40% reflecting the permitted amount of absorption as explained in the statement of considerations accompanying that amendment. The 41.4% margin fixed for the pricing of the hosiery covered in the accompanying amendment reflects a corresponding ratio of reduction from the 43.5% found to have been the average margin at retail for branded hosiery covered by section 13 orders.

[F. R. Doc. 46-18982; Filed, Oct. 18, 1946; 11:27 a. m.]

Regional and District Office Orders.

[Region II Adopting Order 56, under Basic Order 1, under General Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS FOR COUNTIES OF CORTLAND, CHENANGO, OTSEGO AND DELAWARE, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, by General Order 68 as amended, and by Revised Procedural Regulation No. 1 which authority has been duly delegated by such Regional Administrator to the District Director, Syracuse District Office, *It is hereby ordered:*

1. Adopting Order No. 56 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, is hereby further amended by substituting for the schedule attached to said order as amended, the annexed schedule known as schedule of August 29, 1946, which is made a part of said order. The schedule attached to this amendment and to said order, supersedes all previous schedules.

2. Except as hereby amended Adopting Order No. 56 as amended, under Basic Order No. 1 as amended, under General Order 68 as amended, shall remain the same and all provisions hereof remain in full force and effect.

This amendment shall become effective immediately.

Issued this 29th day of August 1946.

GEORGE G. MOORE,
District Director.

MAXIMUM PRICES FOR CERTAIN BUILDING AND CONSTRUCTION MATERIALS FOR THE COUNTIES OF CORTLAND, CHENANGO, OTSEGO AND DELAWARE, ALL IN THE STATE OF NEW YORK, ON SALES BY ALL PERSONS TO ULTIMATE USERS OR TO PURCHASERS FOR RESALE ON AN INSTALLED BASIS

Maximum delivered prices to purchasers for resale on an installed basis (this includes contractors) and to ultimate users (this includes consumers)

Item and unit	
1. Plaster, hardwall (neat) (bag, 100 lb.)	$1.05
2. Plaster, hardwall (sanded) (bag, 100 lb.)	.90
3. Plaster, gauging (bag, 100 lb.)	2.10
4. Keene's cement (bag, 100 lb.)	2.50
5. Finishing lime (bag, 50 lb.)	.73
6. Gypsum lath—3/8" (M sq. ft.)	28.32
7. Portland cement (st'd.) paper bags (bag, 94 lb.)	.765
8. Masonry mortar (bag, 70 lb.)	.765
9. Mason's hydrated lime (bag, 50 lb.)	.67
10. Clay drain tile—3" (per lin. ft.)	.084
11. Clay drain tile—4" (per lin. ft.)	.105
12. Vitrified clay sewer pipe—No. 1SS—4" (2 ft. length)	.45
13. Vitrified clay sewer pipe—No. 1SS—6" (2 ft. length)	.68
14. Flue lining—9 x 9 (2 ft. length)	.91
15. Flue lining—9 x 13 (2 ft. length)	1.35
16. Gypsum wallboard—3/8" (M sq. ft.)	41.75
17. Asphalt roofing—90 lb. mineral surface (roll)	2.77
18. Asphalt or tarred felt—15 lb. (roll)	2.85
19. Asphalt or tarred felt—30 lb. (roll)	2.85
20. Asphalt shingles 210 lb. (3 in 1) Thickbutt (per sq.)	6.40
21. Asphalt shingles 165 lb. 2 tab hexagon (per sq.)	4.78
22. Fibre insulation board 1/2" st'd. lath and board (M sq. ft)	53.75
23. Fibre insulation board 25/32" asphalt sheathing (M sq. ft.)	84.50
24. Hard density synthetic fibre board 1/8" tempered st'd. size (M sq. ft.)	100.00
25. St'd. density synthetic fibre board 9/16" (4 x 8) (M sq. ft.)	86.85
26. Thermal insulation blankets (paper backed) medium (M sq. ft.)	60.30
27. Thermal insulation blankets (thick) (M sq. ft.)	65.00
28. Thermal insulation batts (full thick) (M sq. ft.)	66.00
29. Thermal insulation, loose in bags (nodulated) (bag, 40 lb.)	1.55
30. Thermal insulation, loose in bags (plain) (bag, 40 lb.)	1.34

Opinion Accompanying Amendment 1 to Adopting Order 56 as Amended, Under Basic Order 1 as Amended, Under General Order 68, as Amended

The accompanying amendment gives effect to manufacturer's increases that have been granted on the items for which maximum prices are fixed by this order, up to the date of the schedule attached to this amendment, so as to comply with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended. The schedule attached to this amendment and made a part of the order supersedes all previous schedules. This amendment does not, however, supersede Supplementary Order 179 relating to increased freight on certain commodities.

[F. R. Doc. 46-18883; Filed, Oct. 18, 1946; 8:58 a. m.]

[Region III Rev. Order G–9 Under Gen. Order 68]

Screen Goods in Cleveland Region

For the reasons set forth in an opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1–B under General Order No. 68, this order is issued:

Section 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices or pricing methods for the stock screen goods listed in the accompanying Tables, when sold at retail at or from any point within Region III.

Sec. 2. *Area covered.* For the purposes of this order "Region III" consists of the States of Ohio, Michigan, Kentucky, West Virginia and Indiana (except the County of Lake).

Sec. 3. *Applicability of Basic Order No. 1–B.* All the provisions of Basic Order No. 1–B, consistent with this Revised Order No. G–9 are hereby adopted by, and incorporated by reference into, this order as though fully rewritten herein. If Basic Order No. 1–B is amended in any respect, all of the provisions of that order, as amended, shall likewise without other action, be a part of this order.

All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1–B.

Sec. 4. *Maximum prices*—(a) *Price list.* Subject to the provisions of section 6 of Basic Order No. 1–B, the maximum prices for the Stock Screen Goods covered by this order shall be the prices set forth in the Tables, which are annexed to and made a part of this order, plus whichever of the percentage increases listed in Column 3 below are applicable according to the type of the item, as listed in Column 1, and the quantity involved in the sale, as listed in Column 2.

Type of item	Quantity	Percentage increase
Ponderosa pine screen doors	6 or more	4.62
	5 or less	5.04
Southern pine screen doors	6 or more	4.61
	5 or less	5.00
Combination storm and screen doors.	6 or more	7.09
	5 or less	8.00

(b) *Delivery.* (i) The maximum prices established by this order include free delivery.

(ii) No deduction need be made from the prices established hereby where the buyer elects to make his own delivery.

(c) *Discounts.* No seller covered hereby shall discontinue or reduce any of the allowances or discounts, which he offered in March, 1942, on sales of any of the items listed herein.

Sec. 5. *Relation to Order No. G–9.* Subject to the provisions of Supplementary Order No. 40, this Revised Order No. G–9 replaces and supersedes Order No. G–9 which is hereby revoked.

Sec. 6. *Effective date.* This Revised Order No. G–9 shall become effective September 19, 1946.

Issued: September 19, 1946.

J. F. Kessel,
Regional Administrator.

The prices listed in this order include all increases granted to resellers by the OPA through August 8, 1946. (See section 6 (b) of Basic Order No. 1–B)

Maximum Prices for Retail Sales of Screen Doors and Combination Screen and Storm Doors in the Region III Area Including Ohio, Michigan, Kentucky, West Virginia, and Indiana, Except Lake County, Ind.

TABLE I

Size [1]	Ponderosa pine screen doors—Galvanized wire, 16-mesh—Maximum price per door									
	C–1—1⅛"		G–1—1⅛"		I–2—1⅛"		N–2—1⅛"		GG–2—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2′ 6″ x 6′ 6″	$3.81	$4.07	$3.62	$3.87	$4.74	$5.07	$4.40	$4.70	$3.52	$3.76
2′ 6″ x 6′ 8″	3.98	4.25	3.79	4.05	4.91	5.25	4.58	4.90	3.69	3.95
2′ 8″ x 6′ 8″	3.98	4.25	3.79	4.05	4.91	5.25	4.58	4.90	3.69	3.95
2′ 8″ x 6′ 10″	4.02	4.30	3.85	4.11	4.98	5.33	4.65	4.97	3.74	4.00
2′ 8″ x 7′ 0″	4.07	4.36	3.91	4.18	5.04	5.39	4.70	5.03	3.81	4.07
2′ 10″ x 6′ 10″	4.15	4.44	3.98	4.25	5.14	5.49	4.80	5.13	3.87	4.14
2′ 10″ x 7′ 0″	4.20	4.49	4.04	4.32	5.19	5.55	4.86	5.20	3.94	4.21
3′ 0″ x 6′ 8″	4.20	4.49	4.04	4.32	5.19	5.55	4.86	5.20	3.94	4.21
3′ 0″ x 7′ 0″	4.33	4.63	4.16	4.45	5.35	5.72	4.99	5.34	4.06	4.34

TABLE II

Size [1]	Ponderosa pine screen doors—bronze wire, 16-mesh—maximum prices per door									
	C–1—1⅛"		G–1—1⅛"		I–2—1⅛"		N–2—1⅛"		GG–2—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2′6″ x 6′6″	$4.69	$5.01	$4.47	$4.78	$5.60	$5.98	$5.13	$5.50	$4.38	$4.68
2′6″ x 6′8″	4.93	5.28	4.77	5.10	5.89	6.30	5.42	5.79	4.66	4.99
2′8″ x 6′8″	4.93	5.28	4.77	5.10	5.89	6.30	5.42	5.79	4.66	4.99
2′8″ x 6′10″	4.99	5.33	4.84	5.17	5.97	6.39	5.49	5.87	4.73	5.06
2′8″ x 7′0″	5.08	5.43	4.93	5.27	6.06	6.48	5.58	5.97	4.83	5.17
2′10″ x 6′10″	5.20	5.56	5.04	5.39	6.21	6.64	5.71	6.11	4.95	5.29
2′10″ x 7′0″	5.28	5.64	5.13	5.49	6.28	6.72	5.80	6.20	5.03	5.38
3′0″ x 6′8″	5.28	5.64	5.13	5.49	6.28	6.72	5.80	6.20	5.03	5.38
3′0″ x 7′0″	5.51	5.90	5.32	5.69	6.51	6.96	6.00	6.42	5.22	5.58

[1] Actual width may be ½" greater; actual length may be 1" longer.

TABLE III

Size	Ponderosa pine screen doors—bronze wire, 16-mesh						Ponderosa pine screen doors—galvanized wire, 16-mesh					
	H–1—1⅛"		K–1—1⅛"		Q–2—1⅛"		H–1—1⅛"		K–1—1⅛"		Q–2—1⅛"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2′6″ x 6′6″	$4.66	$4.99	$4.82	$5.15	$6.05	$6.42	$3.81	$4.07	$3.96	$4.23	$5.32	$5.69
2′6″ x 6′8″	4.93	5.28	5.11	5.47	6.34	6.78	3.97	4.24	4.14	4.43	5.50	5.89
2′8″ x 6′8″	4.93	5.28	5.11	5.47	6.34	6.78	3.97	4.24	4.14	4.43	5.50	5.89
2′8″ x 6′10″	5.01	5.36	5.18	5.54	6.41	6.86	4.02	4.30	4.19	4.48	5.57	5.95
2′8″ x 7′0″	5.11	5.46	5.27	5.64	6.50	6.95	4.08	4.37	4.25	4.54	5.63	6.02
2′10″ x 6′10″	5.23	5.59	5.41	5.78	6.63	7.09	4.16	4.45	4.33	4.63	5.72	6.12
2′10″ x 7′0″	5.30	5.67	5.50	5.88	6.72	7.19	4.21	4.50	4.41	4.72	5.78	6.18
3′0″ x 6′8″	5.30	5.67	5.50	5.88	6.72	7.19	4.21	4.50	4.41	4.72	5.78	6.18
3′0″ x 6′10″	5.49	5.87	5.70	6.10	6.92	7.40	4.33	4.63	4.54	4.85	5.91	6.32

TABLE IV

Size	Southern pine screen doors—						Galvanized wire 16 mesh—					
	C–1—1⅛"		I–2—1⅛"		GG–2B—⅞"		K–1A—1⅛"		Q–2—1⅛"		GG–1A—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2′ 6″ x 6′ 6″	$3.37	$3.59	$5.45	$5.79	$4.24	$4.51	$4.49	$4.78	$6.02	$6.41	$3.17	$3.38
2′ 6″ x 6′ 8″	3.52	3.74	5.62	5.98	4.44	4.72	4.69	4.99	6.23	6.63	3.34	3.55
2′ 8″ x 6′ 8″	3.52	3.74	5.62	5.98	4.44	4.72	4.69	4.99	6.23	6.63	3.34	3.55
2′ 8″ x 6′ 10″	3.61	3.84	5.71	6.08	4.49	4.78	4.74	5.04	6.29	6.69	3.37	3.59
2′ 8″ x 7′ 0″	3.65	3.88	5.78	6.14	4.55	4.84	4.81	5.11	6.36	6.77	3.43	3.65
2′ 10″ x 6′ 10″	3.70	3.94	5.88	6.26	4.64	4.93	4.90	5.21	6.46	6.87	3.51	3.73
2′ 10″ x 7′ 0″	3.79	4.03	5.93	6.31	4.69	4.99	4.96	5.28	6.52	6.94	3.57	3.79
3′ 0″ x 6′ 8″	3.79	4.03	5.93	6.31	4.69	4.99	4.96	5.28	6.52	6.94	3.57	3.79
3′ 0″ x 7′ 0″	3.87	4.11	6.11	6.50	4.83	5.14	5.12	5.45	6.67	7.09	3.70	3.93

TABLE V

1⅛" Northern and Western Pine Combination Storm and Screen Doors—Glazed Single Strength

Size	ND 737—1 panel, 8 lights		ND 739—1 panel 12 lights		ND 740—15 lights, 1 panel		ND 742—12 lights and marginal, 1 panel	
	5 or more	4 or less	5 or more	4 or less	5 or more	4 or less	5 or more	4 or less
2' 6" x 6' 6"	$8.85	$9.42	$9.30	$9.90	$9.54	$10.15	$9.37	$9.97
2' 6" x 6' 8"	8.92	9.49	9.37	9.97	9.63	10.24	9.44	10.05
2' 6" x 7' 0"	9.30	9.90	9.75	10.38	10.01	10.65	9.82	10.45
2' 8" x 6' 8"	9.20	9.79	9.81	10.44	9.85	10.48	9.68	10.30
2' 8" x 7' 0"	9.57	10.18	10.16	10.81	10.25	10.90	10.06	10.71
2' 10" x 6' 8"	9.37	9.97	9.94	10.57	10.06	10.71	9.89	10.53
2' 10" x 6' 10"	9.68	10.30	10.25	10.90	10.39	11.05	10.22	10.87
2' 10" x 7' 0"	9.79	10.42	10.34	11.01	10.49	11.16	10.32	10.98
3' 0" x 6' 8"	9.65	10.27	10.10	10.75	10.44	11.11	10.16	10.81
3' 0" x 7' 0"	10.06	10.71	10.53	11.20	10.88	11.58	10.60	11.28
3' 0" x 7' 6"	11.61	12.36	12.08	12.85	12.43	13.23	12.15	12.93
If 16-gauge bronze wire add per door	.50	.55	.50	.55	.50	.55	.50	.55

If 14" x 18" mesh galvanized, add $0.12 per door.
If 14" x 18" mesh bronze, add $0.58 per door.
If 14" x 18" mesh aluminum wire, add $0.65 per door.
For any size door ¾" to 1" wider than standard, add the following per door: 18¢ if sold in quantities 5 or more; or 20¢ if sold in quantities of 4 or less. (Standard doors are ½" wider and 1" longer than regular doors.)

TABLE VI

Size[1]	Ponderosa pine screen doors—Galvanized wire, 14" x 18" mesh—Maximum prices per door									
	C-1—1⅛"		G-1—1⅛"		I-2—1⅛"		N-2—1⅛"		GG-2—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2' 6" x 6' 6"	$3.88	$4.15	$3.69	$3.95	$4.81	$5.14	$4.47	$4.78	$3.48	$3.83
2' 6" x 6' 8"	4.05	4.33	3.87	4.14	4.98	5.33	4.65	4.98	3.76	4.03
2' 8" x 6' 8"	4.05	4.33	3.92	4.14	4.98	5.33	4.65	4.98	3.76	4.03
2' 8" x 6' 10"	4.09	4.38	3.98	4.19	5.05	5.40	4.72	5.04	3.81	4.08
2' 8" x 7' 0"	4.15	4.44	4.05	4.26	5.11	5.46	4.77	5.10	3.88	4.15
2' 10" x 6' 10"	4.22	4.52	4.05	4.33	5.21	5.57	4.87	5.21	3.94	4.22
2' 10" x 7' 0"	4.27	4.57	4.12	4.40	5.26	5.63	4.83	5.27	4.01	4.29
3' 0" x 6' 8"	4.27	4.57	4.12	4.40	5.26	5.63	4.93	5.27	4.01	4.29
3' 0" x 7' 0"	5.59	4.71	4.24	4.53	5.42	5.79	5.06	5.42	4.13	4.41

TABLE VII

Ponderosa pine screen doors—Bronze wire, 14" x 18" mesh—Maximum prices per door.

Size[1]	C-1—1 ⅛"		G-1—1⅛"		I-2—1⅛"		N-2—1⅛"		GG-2—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2' 6" x 6' 6"	$4.76	$5.99	$4.55	$4.86	$5.67	$6.06	$5.20	$5.56	$4.45	$4.75
2' 6" x 6' 8"	5.01	5.36	4.84	5.18	5.96	6.37	5.49	5.87	4.73	5.06
2' 8" x 6' 8"	5.01	5.36	4.84	5.18	5.96	6.37	5.49	5.87	4.73	5.06
2' 8" x 6' 10"	5.06	5.42	4.91	5.25	6.04	6.46	5.56	5.95	4.80	5.14
2' 8" x 7' 0"	5.15	5.51	5.00	5.35	6.13	6.56	5.65	6.04	4.90	5.24
2' 10" x 6' 10"	5.28	5.64	5.12	5.47	6.28	6.71	5.78	6.18	5.02	5.36
2' 10" x 7' 0"	5.35	5.72	5.21	5.57	6.35	6.79	5.87	6.28	5.10	5.45
3' 0" x 6' 8"	5.35	5.72	5.21	5.57	6.35	6.79	5.87	6.28	5.10	5.45
3' 0" x 7' 0"	5.59	5.98	5.40	5.77	6.58	7.04	6.07	6.49	5.29	5.66

[1] Actual width may be ½" greater; actual length may be 1" longer.

TABLE VIII

Size	Ponderosa pine screen doors—bronze wire, 14" x 18" mesh						Ponderosa pine screen doors—Galvanized wire, 14" x 18" mesh					
	H-1—1⅛"		K-1—1⅛"		Q-2—1⅛"		H-1—1⅛"		K-1—1⅛"		Q-2—1⅛"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2'6" x 6'6"	$4.74	$5.07	$5.67	$5.23	$6.12	$6.54	$3.88	$4.15	$4.04	$4.31	$5.39	$5.76
2'6" x 6'8"	5.01	5.36	5.96	5.55	6.41	6.85	4.08	4.32	4.21	4.51	5.57	5.96
2'8" x 6'8"	5.01	5.36	5.96	5.55	6.41	6.85	4.08	4.32	4.21	4.51	5.57	5.96
2'8" x 6'10"	5.09	5.44	6.04	5.62	6.48	6.93	4.09	4.38	4.27	4.56	5.64	6.03
2'8" x 7'0"	5.18	5.54	6.13	5.72	6.57	7.03	4.16	4.45	4.32	4.62	5.70	6.09
2' 10" x 6' 10"	5.30	5.67	6.28	5.86	6.70	7.16	4.24	4.53	4.41	4.71	5.79	6.19
2' 10" x 7' 0"	5.38	5.75	6.35	5.96	6.79	7.26	4.28	4.58	4.48	4.80	5.85	6.25
3' 0" x 6' 8"	5.38	5.75	6.35	5.96	6.79	7.26	4.28	4.58	4.48	4.80	5.85	6.25
3' 0" x 6' 10"	5.57	5.95	6.58	6.18	6.99	7.47	4.40	4.71	4.61	4.93	5.98	6.39

TABLE IX

Size	Southern pine screen doors—galvanized, 14" x 18" mesh											
	C-1—1⅛"		I-2—1⅛"		GG-2B—⅞"		K-1A—1⅛"		Q-2—1⅛"		GG-1A—⅞"	
	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less	6 or more	5 or less
2' 6" x 6' 6"	$3.45	$3.67	$5.57	$5.86	$4.31	$4.58	$4.56	$4.86	$6.09	$6.48	$3.24	$3.45
2' 6" x 6' 8"	3.60	3.83	5.69	6.05	4.50	4.79	4.76	5.06	6.31	6.71	3.41	3.63
2' 8" x 6' 8"	3.60	3.83	5.69	6.05	4.50	4.79	4.76	5.06	6.35	6.71	3.41	3.63
2' 8" x 6' 10"	3.68	3.92	5.78	6.14	4.55	4.84	4.81	5.12	6.35	6.76	3.44	3.73
2' 8" x 7' 0"	3.84	3.96	5.84	6.21	4.62	4.91	4.88	5.19	6.43	6.84	3.50	3.73
2' 10" x 6' 10"	3.78	4.02	5.95	6.33	4.70	5.00	4.97	5.29	6.52	6.94	3.58	3.81
2' 10" x 7' 0"	3.87	4.11	6.00	6.38	4.75	5.06	5.03	5.36	6.59	7.01	3.64	3.87
3' 0" x 6' 8"	3.87	4.11	6.00	6.38	4.75	5.06	5.03	5.36	6.59	7.01	3.64	3.87
3' 0" x 7' 0"	3.94	4.19	6.17	6.57	4.89	5.21	5.19	5.53	6.73	7.16	3.75	4.01

TABLE X

Style designation	C-1	G-1	I-2	N-2	GG-2	H-1	K-1	Q-2	GG-1A	GG-2D	K-1A	Q-2
Species	Ponderosa pine	Ponderosa pine	Ponderosa pine	Ponderosa pine	Ponderosa pine	Ponderosa pine	Ponderosa pine	Ponderosa pine	Southern pine	Southern pine	Southern pine	Southern pine
Thickness of door (inches)	1⅜	1⅜	1⅜	1⅜	⅞	1⅜	1⅜	1⅜	⅞	⅞	1⅜	1⅜
Wire type (mesh)	16	16	16	16	16	[1] 16	[1] 16	[1] 16	14	16	16	16
Width of:												
Stile (inches)	3	3	4	4	4	3	3	4	3	4	3	4
Top rail (inches)	3	3	4	4	4	3	3	4	3	4	3	4
Bottom rail (inches)	6	6	6-8	6-8	6	6	6	6-8	6	6	6	8
Cross rail (inches)	3	2	4	4	2	2	2	4	2	2	2	4
Mullions (inches)	-------	1	4	-------	1	1	-------	-------	1	1	1	-------
Wood panel (inches)	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	6⅛

[1] Galvanized.

The C style has 2 cross-wired panels in the lower half and one wired panel in the top half of the door.
C and GG styles have one large wired panel in the top half, one narrow cross panel immediately below and two regular panels in the lower half separated by a mullion from the bottom rail to the lower cross rail.
The I style has one large wire panel in the upper half and four regular wire panels in the lower half.
The N style has one long wire panel and one short cross solid panel at the lower end of the door.

Opinion Accompanying Revised Order No. G-9 Under General Order No. 68

Order No. G-9 establishing area prices for stock millwork in Region III became effective on May 8, 1946. Amendment No. 1 to that order became effective on May 23, 1946 and revised the prices to reflect increases granted to manufacturers of stock screen goods pursuant to Amendment No. 1 to Revised Maximum Price Regulation No. 381.

Section 2 (t) of the Emergency Price Control Act of 1942, as amended, re-

quiries that retail distributors shall be allowed their average current cost of acquisition plus their average percentage markup in effect on March 31, 1946. The accompanying amendment provides that certain additions may be made to the maximum prices established by Amendment No. 1 to Order No. G–9 so that the sellers will be allowed their average percentage markup as of March 31, 1946.

The prices thus determined are subject to section 6 of Basic Order No. 1–B which permits authorized increases to be added to the prices in the order provided such increases became effective after the date appearing above the heading of Table I.

In the opinion of the Regional Administrator the provisions of the accompanying amendment are fair, and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and General Order No. 68, as amended.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46–18681; Filed, Oct. 16, 1946; 8:51 a. m.]

[Region III Order G–41 Under MPR 592]

CONCRETE BLOCKS IN PORTIONS OF INDIANA, KENTUCKY, WEST VIRGINIA AND OHIO

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Administrator of Region III of the Office of Price Administration by section 23 of Maximum Price Regulation No. 592, this order is issued:

SECTION 1. *Transactions and area covered by this order.* This order establishes dollars-and-cents maximum prices or pricing methods for sales of concrete blocks when such sales are made at or from any point covered by this order.

SEC. 2. *Area covered.* This order covers the States of Indiana (except the County of Lake), the Counties of Henderson, Boone, Kenton, Campbell, Bracken, Robertson, Mason, Lewis, Greenup, Boyd, Carter, Elliott, and Lawrence in the State of Kentucky, the Counties of Wayne, Cabell, Mason, Wood, Pleasants, Tyler, Wetzel, Marshall, Ohio, Brooke, and Hancock in the State of West Virginia and the Counties of Mercer, Darke, Preble, Butler, Hamilton, Clermont, Warren, Montgomery, Miami, Shelby, Logan, Champaign, Clark, Green, Clinton, Brown, Adams, Highland, Fayette, Madison, Union, Delaware, Franklin, Pickaway, Ross, Pike, Scioto, Lawrence, Jackson, Vinton, Hocking, Fairfield, Licking, Perry, Gallia, Meigs, Athens, Morgan, Muskingum, Coshocton, Guernsey, Noble, Washington, Monroe, Belmont, Harrison, Jefferson, Carroll, and Columbiana in the State of Ohio.

SEC. 3. *Prohibitions against sales at higher than maximum prices.* No person covered hereby shall sell or offer to sell and no person shall buy or offer to buy, in the course of trade or business, any of the commodities covered by this order at prices greater than the maximum prices established hereby.

SEC. 4. *Producer's maximum prices—*(a) *Retail sales, f. o. b. plant.* (i) A producer's maximum retail prices, f. o. b. the producer's plant, for sales of Hollow Load Bearing Block, Grade A, shall be those prices set forth in the price list designated as Table I, which is annexed to and made a part of this order.

(ii) A producer's maximum retail prices, f. o. b. his plant, for Hollow Load Bearing Block, Grade B, shall be determined by deducting two cents per block from the price listed in Table I, hereof, for the same size of Hollow Load Bearing Block, Grade A.

(iii) *Sizes and types of concrete blocks not listed herein.* (1) A producer shall determine his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, by applying the same conversion factor or formula employed for such purposes by the producer in March, 1942, to the price computed under this order for a concrete block, sizes 8 in. x 8 in. x 16 in.

(2) A producer who was not in business in March, 1942, shall use as his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this Order, the maximum price (as determined under section 4 (a) (iii) (1), hereof) of his most closely competitive seller of the same class, who was in business in March, 1942, for the same commodity, or, if no charge was made for the same commodity, for the most similar commodity.

(b) *Retail sales including delivery.* A producer's maximum retail price for concrete blocks, delivered, shall be determined by adding the appropriate one of the following amounts, per block, depending on the size of the block and the location of the buyer, to the maximum retail price, f. o. b. plant, as determined under subsection (a) of this section 4:

AMOUNT WHICH MAY BE ADDED, PER BLOCK, FOR DELIVERY

	3 in. and 4 in. block	6 in. and 8 in. block	10 in. and 12 in. block
For delivery to points within a radius of 10 miles of the producer's plant	$0.01½	$0.02	$0.03
For each additional 10 miles, or fraction thereof, by which the point of delivery is located beyond a radius of ten miles of the producer's plant	.00½	.01	.02

(c) *Wholesale sales, f. o. b. plant.* A producer's maximum wholesale price for concrete blocks, f. o. b. producer's plant, shall be his maximum retail price, f. o. b. plant, as computed under subsection (a) of this section 4, less ten percent.

(d) *Wholesale sales including delivery.* A producer's maximum wholesale price for concrete blocks, delivered, shall be his maximum retail price delivered to the dealer's premises, as computed under subsection (b) of this section 4, less ten percent.

SEC. 5. *Dealer's maximum prices—*(a) *Retail sales, f. o. b. dealer's yard or delivered.* A dealer's maximum retail price for concrete blocks, whether f. o. b. his yard or delivered to his customer's premises, shall be the same as his producer's maximum retail price would be for the same concrete blocks delivered to the dealer's premises, as computed under subsection (b) of section 4, hereof.

SEC. 6. *Discounts and additions—*(a) *Cash discounts.* No seller shall reduce or discontinue any discounts for cash transactions which he offered in March 1942.

(b) *Quantity discounts.* No seller shall reduce or discontinue any discount for purchases in quantity which he offered in March, 1942.

SEC. 7. *Computation and posting.* (a) Each dealer covered hereby shall, within thirty days of the effective date of this order, compute his maximum retail prices, for all types and sizes of concrete blocks, which he offers for sale, under the pricing provisions of section 5, hereof.

(b) Each dealer covered hereby shall, within thirty days of the effective date of this order, post in each of his places of business in the area covered hereby, in a manner plainly visible to and accessible by all customers, a list of all the types and sizes of concrete blocks which he offers for sale and his maximum prices therefor, which he has computed pursuant to subsection (a) of this section 7.

SEC. 8. *Relationship to other maximum price regulations and orders.* The maximum prices and pricing methods established by this order shall supersede any maximum price or pricing method established by the General Maximum Price Regulation with respect to the transactions and commodities covered hereby. This order shall supersede all provisions of Maximum Price Regulation No. 592 to the extent so provided herein. To the extent that they are consistent with this order, all provisions of Maximum Price Regulation No. 592, the General Maximum Price Regulation (except sections 18, 19, and 19a), and of other applicable maximum price regulations and orders, shall apply to transactions and commodities covered by this order. If any seller is unable to price any concrete block item under this order, he shall determine his maximum price for such item under Maximum Price Regulation No. 592 or the General Maximum Price Regulation, whichever is applicable.

SEC. 9. *Sales slips and invoices.* Every person covered by this order, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, description of the item sold, and the price received for it. If the seller customarily prepared his sales slips in more than one copy, he shall keep, for at least one year after delivery, a duplicate copy of each sales slip delivered by him pursuant to this section.

SEC. 10. *Records.* Every person covered by this order, regardless of previous custom, shall keep records concerning each sale covered hereunder showing at least the following information:

(1) Name and address of buyer.
(2) Date of transaction.

(3) Place of delivery.
(4) Complete description of each item sold and the price charged therefor.

All such records shall be kept and made available for inspection by authorized representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. *Posting.* Every person making sales covered hereby shall post a copy of this order in each of his places of business in the area covered hereby, in a manner plainly visible to and accessible by all customers.

SEC. 12. *Evasions.* The price limitations set forth in this order shall not be evaded by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of any of the commodities covered hereunder, whether alone or in conjunction with any other commodity, or by way of commissions, services, transportation or other charges, discounts, premiums, or other privileges, or by tying agreement or other understanding or by making the terms and conditions of sale more onerous to buyers than they were during March, 1942 (except as specifically permitted by this order or applicable regulations).

Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and any other enforcement proceedings provided by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Definitions.* (a) "Concrete block" is a term which includes, but is not limited to, blocks made of cement and sand, gravel, slag or cinders.

(b) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, its legal successors or representatives, the United States or any other government, or any of its political subdivisions, or any agency of any of the foregoing, and includes subcontractors as well as prime contractors.

(c) "Contractor" means any individual, corporation, partnership, association, or other group of persons, engaged in the business of selling material or equipment and, who, in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performance and use, or by other objective evidence.

(d) "Producer" means any person who engages in the manufacture and sale of concrete blocks.

(e) "Seller" means any person making a sale covered by this order.

(f) "Dealer" means any person who buys concrete blocks for resale, other than on an installed basis.

(g) A "retail sale" means a sale by any person to a contractor or other user and not for resale except on an installed basis.

(h) A "wholesale sale" means a sale by any person for resale, other than on an installed basis.

(i) "Hollow Load Bearing Block, Grade "A", is a concrete block having a compressive strength of 1000 pounds per square inch, gross, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C–90–44.

(j) "Hollow Load Bearing Block, Grade "B"', is a concrete block having a compressive strength of 700 pounds per square inch gross, in accordance with American Society for Testing Materials Standard Specifications for Hollow Load Bearing Concrete Masonry Units C–90–44.

(k) Where relevant and material, the definitions set forth in Maximum Price Regulation No. 592, the General Maximum Price Regulation, and other applicable maximum price regulations and orders, and in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to terms used in this order.

SEC. 14 *Revocation or amendment.* This order may be revoked or amended at any time by the Office of Price Administration.

SEC. 15. *Effective date.* This Order No. G–41 shall become effective September 23, 1946.

Issued: September 9, 1946.

J. F. KESSEL,
Regional Administrator.

TABLE I—PRODUCERS' RETAIL PRICES, F. O. B. PLANT OR YARD

	Sand and gravel	Cinder	Waylite, Haydite, celocrete expanded slag
Hollow load bearing, grade "A":			
3 in. x 8 in. x 16 in. hollow	$0.095	$0.105	$0.125
3 in. x 8 in. x 16 in. solid	.125	.135	.155H
4 in. x 8 in. x 8 in. hollow	.075	.085	.105H
4 in. x 8 in. x 12 in. hollow	.095	.105	.125H
4 in. x 8 in. x 14 in. joist filler	.105	.115	.135H
4 in. x 8 in. x 16 in. hollow	.105	.115	.135H
4 in. x 8 in. x 16 in. corner	.11	.12	.14 H
6 in. x 8 in. x 8 in. plain	.085	.095	.115H
6 in. x 8 in. x 8 in. corner	.09	.10	.12 H
6 in. x 8 in. x 16 in. plain	.135	.145	.165H
6 in. x 8 in. x 16 in. corner	.145	.155	.175H
6 in. x 8 in. x 16 in. sash	.145	.155	.175H
8 in. x 8 in. x 4 in. corner	.075	.085	.105H
8 in. x 8 in. x 8 in. half	.085	.095	.115H
8 in. x 8 in. x 8 in. half corner	.09	.10	.12 H
8 in. x 8 in. x 8 in. sash	.09	.10	.12 H
8 in. x 8 in. x 12 in. plain	.115	.125	.145
8 in. x 8 in. x 16 in. plain	.145	.155	.175
8 in. x 8 in. x 16 in. corner	.155	.165	.185
8 in. x 8 in. x 16 in. double corner.	.165	.175	.195 K
8 in. x 8 in. x 16 in. sash	.155	.165	.185
8 in. x 8 in. x 16 in. header	.165	.175	.195
10 in. x 8 in. x 4 in. quarter	.08	.09	.11 K
10 in. x 8 in. x 12 in. three quarter.	.16	.17	.19 K
10 in. x 8 in. x 8 in. half	.105	.115	.135
10 in. x 8 in. x 16 in. plain	.185	.195	.215
10 in. x 8 in. x 16 in. corner	.195	.205	.225
10 in. x 8 in. x 16 in. header	.225	.235	.255
12 in. x 8 in. x 4 in. plain	.095	.105	.125
12 in. x 8 in. x 8 in. half	.115	.125	.145
12 in. x 8 in. x 8 in. half corner	.12	.13	.15
12 in. x 8 in. x 8 in. half sash	.12	.13	.15
12 in. x 8 in. x 12 in. plain	.16	.17	.19 K
12 in. x 8 in. x 16 in. plain	.215	.225	.245
12 inl x 8 in. x 16 in corner	.225	.235	.256
12 in. x 8 in. x 16 in. double corner.	.245	.255	.275 K
12 in. x 8 in. x 16 in. sash	.245	.255	.275
12 in. x 8 in. x 16 in. header	.245	.255	.275

How to determine your maximum prices

Producers' maximum prices—(a) *Retail sales, f. o. b. Plant.* (i) A producer's maximum retail prices, f. o. b. the producer's plant, for sales of Hollow Load Bearing Block, Grade "A", shall be those prices set forth in the price list designated as Table I, which is annexed to and made a part of this Order.

(ii) A producer's maximum retail prices, f. o. b. his plant, for Hollow Load Bearing Block, Grade "B", shall be determined by deducting two cents per block from the price listed in Table I, hereof, for the same size of Hollow Load Bearing Block, Grade "A".

(iii) *Sizes and types of concrete blocks not listed herein.* (1) A producer shall determine his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this Order, by applying the same conversion factor or formula emloyed for such purposes by the producer in March, 1942, to the price computed under this Order for a concrete block, size 8 in. x 8 in. x 16 in.

(2) A producer who was not in business in March, 1942, shall use as his maximum retail price, f. o. b. his plant, for a size or type of concrete block, which is not defined in this order, the maximum price (as determined under Section 4 (a) (iii) (1), hereof) of his most closely competitive seller of the same class, who was in business in March, 1942, for the same commodity, or, if no charge was made for the same commodity, for the most similar commodity.

(b) *Retail sales including delivery.* A producer's maximum retail price for concrete blocks, delivered, shall be determined by adding the appropriate one of the following amounts, per block, depending on the size of the block and the location of the buyer, to the maximum retail price, f. o. b. plant, as determined under subsection (a) of this Section 4:

AMOUNT WHICH MAY BE ADDED, PER BLOCK, FOR DELIVERY

	3 in. and 4 in. block	6 in. and 8 in. block	10 in. and 12 in. block
For delivery to points within a radius of 10 miles of the producer's plant	$.01½	$0.02	$0.03
For each additional 10 miles, or fraction thereof, by which the point of delivery is located beyond a radius of ten miles of the producer's plant	.00½	.01	.02

(c) *Wholesale sales, f. o. b. plant.* A producer's maximum wholesale price for concrete blocks, f. o. b. producer's plant, shall be his maximum *retail* price, f. o. b. plant, as computed under section (a) of this section 4, less ten percent.

(d) *Wholesale sales including delivery.* A producer's maximum wholesale price for concrete blocks, delivered, shall be his maximum *retail* price delivered to the dealer's premises, as computed under subsection (b) of this section 4, less ten percent.

Dealer's maximum prices—(a) *Retail sales, f. o. b. dealer's yard or delivered.* A dealer's maximum retail price for concrete blocks, whether f. o. b. his yard or delivered to his customer's premises, shall be the same as his producer's maximum *retail* price would be for the same concrete blocks delivered to the dealer's premises, as computed under subsection (b) of section 4, hereof.

Discounts and Additions—(a) *Cash discounts.* No seller shall reduce or discontinue any discounts for cash transactions which he offered in March, 1942.

(b) *Quantity discounts.* No seller shall reduce or discontinue any discount for purchases in quantity which he offered in March, 1942.

Opinion Accompanying Order No. G–41 Under Section 23 of Maximum Price Regulation No. 592

Section 23 of Maximum Price Regulation No. 592 extends to the Regional Administrator authority to issue, and put into effect, orders establishing maximum prices for sales by manufacturers and resellers, of commodities covered by that regulation, applicable to a particular area. Section 28 of Maximum Price Regulation No. 592 lists concrete blocks as being covered by that regulation.

Section 23 further provides that area pricing orders issued thereunder shall supersede other sections of Maximum Price Regulations No. 592 to the extent provided, and that to the extent that such orders establish maximum prices for resellers subject to the General Maximum Price Regulation.

In issuing such area pricing orders, section 23 provides that the following standards must be met:

(1) Maximum prices must be set forth in dollars-and-cents amounts unless this shall clearly appear to be inappropriate or impractical, and

(2) Maximum prices thus set forth shall not exceed the general level of prices as established by the regulation.

In meeting the first of these standards, it was found that the most practical method of establishing maximum prices was to use producer's retail f. o. b. prices for the common sizes of the three principal types of Hollow Lead Bearing Blocks, Grade "A," i. e., sand and gravel, cinder and expanded slag as base prices. The accompanying Order then provides for the addition or subtraction of certain differentials to these base prices to determine the maximum prices for other types and sizes of concrete blocks.

Since producer's maximum delivered prices and dealer's maximum prices depend on the distance the blocks are transported, it is impractical to establish dollars-and-cents prices for any level of distribution other than for producers, f. o. b. their plants. The accompanying order establishes differentials to be applied to the producers' f. o. b. prices for delivered sales and sales by dealers.

To determine the general level of prices in the Area covered an extensive survey of small, medium, and large producers in the area was made and data were obtained regarding selling prices, delivery practices, discounts, etc. The number of producers surveyed represent approximately 80 percent of the current sales volume in the area. In the opinion of the Regional Administrator, this data is representative of the general level of prices in this Area.

A tabulation of the data revealed that the prevailing discount by producers to dealers is 10 percent. This discount represents the dealer's gross margin of profit since he then sells at the producer's retail list price, plus the producer's delivery charges.

A wide variance in delivery charges was found in the area but one set of rates appeared to be dominant and were, therefore, adopted as the most representative.

No pattern as to quantity or cash discounts could be found, therefore, the accompanying order provides that sellers shall maintain their March, 1942, practices pertaining thereto.

The accompanying order provides that dealers shall calculate the maximum retail prices for the sizes and types of concrete blocks which they sell and post such prices in their places of business. This provision is made to enable the buyer to check on the prices he is charged and to provide the dealer with a correct list of his maximum prices. In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the provisions of Maximum Price Regulation No. 592, as amended, the General Maximum Price Regulation, as amended, and the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-18699; Filed, Oct. 16, 1946; 8:56 a. m.]

[Region III Order G-45 Under RMPR 251]

Re-roofing and Re-siding in Harlan, Ky. Area

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1-B under Revised Maximum Price Regulation No. 251, this order is issued:

Section 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the composition roofing and siding materials and asbestos-cement siding materials specified in section 4, hereof, when sold installed on residential structures in the Harlan, Kentucky Area.

Sec. 2. *Area covered.* For the purposes of this order, the "Harlan, Kentucky Area" consists of the Counties of Bell, Breathitt, Harlan, Knox, Knott, Leslie, Letcher, and Perry in the State of Kentucky.

Sec. 3. *Applicability of Basic Order No. 1-B.* All the provisions of Basic Order No. 1-B, consistent with this Adopting Order, No. G-45, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

Sec. 4. *Maximum Prices.* (a) The maximum prices for the specified re-roofing material on an installed basis shall be as follows:

Table I

	Per sq.
12 in. (3 in line) asphalt strip shingles, 210 lbs. per square	$10.75
11½ in. hexagon asphalt strip shingles, 167 lbs. per sq	9.45
Roll roofing, mineral surface, 90 lbs. per sq	6.20

The above maximum prices include related materials and services as defined in section 11 of Basic Order No. 1-B.

When any of the above roofing materials are installed on residential structures beyond the limits of the county wherein the seller's place of business is located, said seller may charge not more than one dollar ($1.00) per square in addition to the maximum price set forth in Table I, above; *Provided, however,* That the total of such extra charges shall not exceed ten dollars ($10.00) per structure.

When any of the above roofing materials are installed over a tin roof, an extra charge not exceeding two dollars ($2.00) per square may be added.

(b) The maximum prices for the specified re-siding materials on an installed basis, shall be as follows:

Table II

	Per sq.
Asbestos-cement siding, standard surface hardness, standard colors, 12 in. x 24 in. or 12 in. x 27 in	$22.35
Insulated brick siding, 14⅜ in. x 43⅞ in., 13⅞ in. x 43⅛ in., or 14 in. x 43 in	24.30
Roll brick siding	15.65

The above prices include all related materials and services as defined in section 11 of Basic Order No. 1-B under Revised Maximum Price Regulation No. 251.

When any of the above siding materials are installed on residential structures beyond the limits of the county wherein the seller's place of business is located, said seller may charge not more than one dollar and a half ($1.50) per square in addition to the maximum price set forth in Table II, above: *Provided, however,* That the total of such extra charges shall not exceed fifteen dollars ($15.00) per structure.

Sec. 5. *Effective date.* This order No. G-45 shall become effective September 10, 1946.

Issued: August 27, 1946.

J. F. Kessel,
Regional Administrator.

Opinion Accompanying Order No. G-45 Under Section 9 of Revised Maximum Price Regulation No. 251

The accompanying order establishes area-wide prices for sales of certain specified re-roofing and re-siding on an installed basis in the Harlan, Kentucky, Area. The order is issued under the provisions of section 9 of Revised Maximum Price Regulation No. 251 and adopts all the applicable provisions contained in Basic Order No. 1-B under Revised Maximum Price Regulation No. 251. The opinion accompanying said Basic Order No. 1-B is hereby incorporated by reference into this opinion.

The defined area covered by the accompanying order includes the Counties of Bell, Breathitt, Harlan, Knox, Knott, Leslie, Letcher, and Perry in the State of Kentucky. The accompanying order supersedes the pricing provisions currently in effect for sales of the specified installed re-roofing and re-siding in this area.

This action has been discussed with members of the trade in the area at informal meetings with representative dealers. Most of the dealers in attendance agreed that prices established by the accompanying order are in line with those formerly prevailing under the freeze. All suggestions and recommendations of the trade have been considered and have been incorporated into the accompanying order to the extent that these suggestions were consistent with the provisions of Revised Maximum Price Regulation No. 251 and the Emergency Price Control Act of 1942.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Revised Maximum Price Regulation No. 251, as amended.

[F. R. Doc. 46-18684; Filed, Oct. 16, 1946; 8:53 a. m.]

[Region III Order G–62 Under MPR 251]

RE-SIDING IN LIMA, OHIO AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register and under the authority vested in the Administrator of Region III of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1–B under Revised Maximum Price Regulation No. 251, this order is issued:

SECTION 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the composition and asbestos-cement siding materials specified in section 4, hereof, when sold installed on residential structures in the Lima, Ohio Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Lima, Ohio Area" consists of the counties of Allen, Auglaize, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot, in the State of Ohio.

SEC. 3. *Applicability of Basic Order No. 1–B.* All the provisions of Basic Order No. 1–B, consistent with this Adopting Order, No. G–62, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully rewritten herein. If Basic Order No. 1–B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1–B.

SEC. 4. *Maximum prices.* (a) The maximum prices for the specified re-siding material on an installed basis shall be as follows:

TABLE I

Type of siding	*Maximum price per square*
Asbestos-cement siding, Standard surface hardness, Standard colors, 12 in. x 24 in. or 12 in. x 27 in.	$21.70
Composition siding (insulated brick) 14⅜ in. x 43⅞ in., 13⅛ in. x 43⅛ in. or 14 in. x 43 in.	29.65
Composition siding (roll brick)	16.80

(b) The above maximum prices include related materials and services as the term is defined in section 11 of Basic Order No. 1–B under section 9 of Revised Maximum Price Regulation No. 251.

SEC. 5. *Effective date.* This order No. G–62 shall become effective October 10, 1946.

Issued: September 26, 1946.

E. C. TURNEY,
Acting Regional Administrator.

Opinion Accompanying Order No. G–62 Under Section 9 of Revised Maximum Price Regulation No. 251

The accompanying order establishes area-wide prices for sales of installed re-siding in the Lima, Ohio Area. The order is issued under the provisions of section 9 of Revised Maximum Price Regulation No. 251 and adopts all the applicable provisions contained in Basic Order No. 1–B under Revised Maximum Price Regulation No. 251. The opinion accompanying said Basic Order No. 1–B is hereby incorporated by reference into this opinion.

The defined area covered by the accompanying order includes the Counties of Allen, Auglaize, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot, in the State of Ohio.

The maximum prices established by the accompanying order supersede the pricing provisions currently in effect for sales of the specified installed re-siding in this area. Basic Order No. 1–B contains provisions concerning construction work which is incidental and/or preparatory to such re-siding installation.

This action has been discussed with members of the trade in the area at informal meetings with representative dealers. Most of the dealers in attendance agreed that prices established by the accompanying order are in line with those formerly prevailing under Revised Maximum Price Regulation No. 251. All suggestions and recommendations of the trade have been considered and have been incorporated into the accompanying order to the extent that these suggestions were consistent with the provisions of Revised Maximum Price Regulation No. 251 and the Emergency Price Control Act of 1942.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Revised Maximum Price Regulation No. 251, as amended.

[F. R. Doc. 46–18683; Filed, Oct. 16, 1946; 8:52 a. m.]

[Region III, Order G–63 Under RMPR 251]

RE-ROOFING IN NORTHWESTERN OHIO AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, and pursuant to the provisions of Regional Basic Order No. 1–B under Revised Maximum Price Regulation No. 251, this order is issued:

SEC. 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the composition roofing materials specified in section 4, hereof, when sold installed on residential structures in the Northwestern Ohio Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Northwestern Ohio Area" consists of the Counties of Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Medina, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Wayne, Williams, Wood and Wyandot in the State of Ohio.

SEC. 3. *Applicability of Basic Order No. 1–B.* All the provisions of Basic Order No. 1–B, consistent with this Adopting Order No. G–63, are hereby adopted by, and incorporated by reference into, this order and are just as much a part of this order as though fully re-written herein. If Basic Order No. 1–B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order. All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1–B.

SEC. 4. *Maximum prices.* (a) The maximum prices for the specified re-roofing materials on an installed basis shall be as follows:

Type of roofing	*Maximum price per square*
Asphalt shingles, 12 in. (3 in line) 210 lbs. per square	$12.95
Asphalt shingles, 11½ in. (hexagon strip) 167 lbs. per square	11.95
Roll roofing, mineral surface, 90 lbs. per square	5.75

(b) The above prices include related materials and services as defined in section 11 of Basic Order No. 1–B under Revised Maximum Price Regulation No. 251.

SEC. 5. *Effective date.* This Order No. G–63 shall become effective October 10, 1946.

Issued: September 26, 1946.

E. C. TURNEY,
Acting Regional Administrator.

Opinion Accompanying Order No. G–63 Under Section 9 of Revised Maximum Price Regulation No. 251

The accompanying order establishes area-wide prices for sales of installed re-roofing in the Northwestern Ohio Area. The order is issued under the provisions of section 9 of Revised Maximum Price Regulation No. 251 and adopts all the applicable provisions contained in Basic Order No. 1–B under Revised Maximum Price Regulation No. 251. The opinion accompanying said Basic Order No. 1–B is hereby incorporated by reference into this opinion.

The defined area covered by the accompanying order includes the Counties of Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Medina, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Wayne, Williams, Wood and Wyandot in the State of Ohio.

The maximum prices established by the accompanying order supersede the pricing provisions currently in effect for sales of the specified installed re-roofing in this area. Basic Order No. 1–B contains provisions concerning construction work which is incidental and/or preparatory to such re-roofing installation.

This action has been discussed with members of the trade in the area at informal meetings with representative dealers. Most of the dealers in attendance agreed that prices established by the accompanying order are in line with

those formerly prevailing under Revised Maximum Price Regulation No. 251. All suggestions and recommendations of the trade have been considered and have been incorporated into the accompanying order to the extent that these suggestions were consistent with the provisions of Revised Maximum Price Regulation No. 251 and the Emergency Price Control Act of 1942.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Revised Maximum Price Regulation No. 251, as amended.

[F. R. Doc. 46-18682; Filed, Oct. 16, 1946; 8:52 a. m.]

[Region III Order G-68 Under Gen. Order 68]

HARD BUILDING MATERIALS IN DETROIT, MICH., AREA

For the reasons set forth in an opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B under General Order No. 68, this order is issued.

SEC. 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the hard building materials listed in Table I, hereof, when sold at retail at or from any point within the Detroit, Michigan Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Detroit, Michigan Area" consists of the Counties of Macomb, Oakland and Wayne in the State of Michigan.

SEC. 3. *Applicability of Basic Order No. 1-B.* All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-68, are hereby adopted by, and incorporated by reference into, this order as though fully rewritten herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise without other action, be a part of this order.

All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. *Maximum prices*—(a) *Price list.* The maximum prices for hard building materials covered by this order shall be those set forth in Table I, which is annexed to, and made a part of, this order, subject to the provisions of subsections (b) and (c), below. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) *Delivery.* The maximum prices established by this order are subject to the following provisions regarding delivery:

(i) Sellers located in Wayne County shall deliver commodities listed in Table I, hereof, free of charge to any point within a radius of five miles of their respective places of business.

(ii) Sellers located in Macomb and Oakland Counties shall deliver commodities listed in Table I, hereof, at rates not exceeding the rates charged by the respective sellers in March, 1942 for the same or similar delivery service.

(iii) No deduction need be made from the prices established hereof where the buyer elects to make his own delivery.

(c) *Discounts.* (i) Sellers covered hereby shall grant discounts to contractors of not less than two percent of the maximum prices established by this order: *Provided,* Such contractors pay for the goods on or before the tenth day of the month following the month in which the sale was made.

(ii) No seller covered hereby shall discontinue or reduce any of the allowances or discounts, which he offered in March, 1942, on sales of any of the items listed in Table I, hereof.

This order No. G-68 shall become effective October 4, 1946.

Issued: September 20, 1946.

J. F. KESSEL,
Regional Administrator.

The prices listed in this order include all increases granted to resellers by the OPA through August 8, 1946. (See section 6 (b) of Basic Order No. 1-B.)

TABLE I

Commodity and unit	*Maximum price*
Plaster, hardwall, 100 lb. bag	[1] $0.65
Plaster, hardwall, ton	[2] 11.25
Plaster, gauging, 100 lb. bag	[3] .85
Plaster, moulding, 100 lb. bag	2.00
Plaster, bonding, 100 lb. bag	1.10
Keene's cement, 100 lb. bag	2.25
Finishing lime, 50 lb. bag	.56
Mason's hydrated lime, 50 lb. bag	.50
Gypsum lath, 3/8 in., 1,000 sq. ft	23.00
Metal lath, 2.5 lb., painted diamond mesh, 20 yd. bundle	6.02
Metal lath, 3.4 lb., painted diamond mesh, 20 yd. bundle	7.20
Metal lath, 3.4 lb., galvanized, 20 yd. bundle	7.79
Metal lath, 2.75 lb., flat rib painted, 20 yd. bundle	7.04
Metal lath, 3.4 lb., 3/8 in. high rib painted, 20 yd. bundle	7.55
Metal lath, corner bead, expanded type, lin. ft	.0535
Metal lath, corner bead, plain, lin. ft	.033
Portland cement, standard (paper bags), 94 lb. bag	.765
Masonry mortar (paper sacks), 70 lb. bag	.715
Waterproof cement (gray), 94 lb. bag	.915
Gypsum block-partitions, 3 in., hollow, 1,000 sq. ft	85.00
Gypsum block-partitions, 4 in., hollow, 1,000 sq. ft	105.00
Hollow building tile, partition 4 x 12 x 12, scored two sides, 1,000	133.00
Hollow building tile, load bearing, 4 x 12 x 12, scored two sides, 1,000	138.00
Hollow building tile, back-up, 5 x 8 x 12, 1,000	138.00
Clay drain tile, 3 in., 1,000 lin. ft	58.09
Clay drain tile, 4 in., 1,000 lin. ft	72.58
Clay drain tile, 6 in., 1,000 lin. ft	144.48

[1] 75¢ in the cities of Pontiac, Drayton Plains and Keego Harbor.
[2] $12 in the cities of Pontiac, Drayton Plains and Keego Harbor.
[3] 95¢ in the cities of Pontiac, Drayton Plains and Keego Harbor.

TABLE I—Continued.

Commodity and unit	*Maximum price*
Vitrified clay sewer pipe, No. 1SS—4 in., lin. ft	$0.1915
Vitrified clay sewer pipe, No. 1SS, 6 in., lin ft	.2873
Flue lining, 9 x 9, lin. ft	.383
Flue lining, 9 x 13, lin. ft	.5746
Flue lining, 13 x 13, lin. ft	.7342
Gypsum wallboard, 3/8 in., 1,000 sq. ft	40.00
Gypsum wallboard, 1/2 in., 1,000 sq. ft	42.00
Gypsum sheathing, 1/2 in., 1,000 sq. ft	38.00
Asphalt roofing, 90 lb., mineral surface, square	3.37
Asphalt or tarred felt, 15 lb., 432 sq. ft. roll	3.12
Asphalt or tarred felt, 30 lb., 216 sq. ft. roll	3.12
Asphalt shingles, 210 lb., (3 in 1) thickbutt, square	6.82
Asphalt shingles, 165 lb., 2 tab hexagon, square	5.53
Fibre insulation board, 1/2 in., standard lath and board, 1,000 sq. ft	55.90
Fibre insulation board, 25/32 in., asphalt sheathing, 1,000 sq. ft	84.50
Asbestos cement siding, 12 in. x 24 in. or 27 in., standard colors, sq	9.19
Hard density synthetic fibre board, 1/8 in., tempered (standard size) 1,000 sq. ft	94.00
Thermal insulation blankets (paper backed) medium, 1,000 sq. ft	55.00
Thermal insulation blankets (papaper backed) single, 1,000 sq. ft	50.00
Thermal insulation, loose in bags (plain), 35 lb. bag	.85
Thermal insulation, loose in bags (nodulated), ton	62.85

Delivery. The maximum prices established by this order are subject to the following provisions regarding delivery:

(i) Sellers located in Wayne County shall deliver commodities listed in table I, hereof, free of charge to any point within a radius of not less than 5 miles of their respective places of business.

(ii) Sellers located in Macomb and Oakland Counties shall deliver commodities listed in table I, hereof, at rates not exceeding the rates charged by the respective sellers in March 1942 for the same or similar delivery service.

(iii) No deduction need be made from the prices established hereof where the buyer elects to make his own delivery.

Discounts. (i) Sellers covered hereby shall grant discounts to contractors of not less than two percent of the maximum prices established by this order: *Provided,* Such contractors pay for the goods on or before the tenth day of the month following the month in which the sale was made.

(ii) No seller covered hereby shall discontinue or reduce any of the allowances or discounts, which he offered in March 1942, on sales of any of the items listed in table I, hereof.

Opinion Accompanying Order No. G-68 Under General Order No. 68

The accompanying order establishes area-wide prices for retail sales of hard building materials in the Detroit, Michigan area. The order is issued under the provisions of General Order No. 68 and adopts all the applicable provisions con-

tained in Basic Order No. 1–B under General Order No. 68. The opinion accompanying said Basic Order No. 1–B is hereby incorporated by reference into this opinion.

The defined area covered by the accompanying order includes the Counties of Macomb, Oakland and Wayne in the State of Michigan.

The maximum prices established by the accompanying order supersede pricing provisions currently in effect for retail sales of the listed hard building materials in this area.

This action has been discussed with members of the trade in the area at informal meetings with representative dealers. Most of the dealers in attendance agreed that prices established by the accompanying order are in line with those formerly prevailing under the freeze. All suggestions and recommendations of the trade have been considered and have been incorporated into the accompanying order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of General Order No. 68, as amended.

[F. R. Doc. 46–18686; Filed, Oct. 16, 1946; 8:49 a. m.]

[Region III Order G–81 Under Gen. Order 68]

Hard Building Materials in Cincinnati, Ohio Area

For the reasons set forth in an accompanying opinion and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1–B under General Order No. 68, this order is issued:

Section 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the hard building materials listed in Table I, hereof, when sold at retail at or from any point within the Cincinnati, Ohio area.

Sec. 2. *Area covered.* For the purposes of this order, the "Cincinnati, Ohio Area" consists of the County of Hamilton in the State of Ohio.

Sec. 3. *Applicability of Basic Order No. 1–B.* All the provisions of Basic Order No. 1–B, consistent with this Adopting Order No. G–81, are hereby adopted by, and incorporated by reference into, this order as though fully rewritten herein. If Basic Order No. 1–B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order.

All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1–B.

Sec. 4. *Maximum prices*—(a) *Price list.* The maximum prices for hard building materials covered by this order shall be those set forth in the applicable column of Table I which is annexed to, and made a part of, this order. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) *Delivery.* (i) The maximum prices listed in Table I, hereof, in the column headed "Maximum Prices Delivered" include delivery of the listed items: *Provided, however,* That the seller may defer delivery until such time as a five ton load can be assembled to be delivered in the same general area.

(ii) Where the purchaser elects to make his own delivery, the seller shall charge no more than the maximum price listed in Table I, hereof, in the column headed "Maximum Price F. O. B. Yard."

(c) *Discounts.* Sellers covered hereby shall grant discounts of not less than two percent on the items covered hereby when full payment is made for such items on or before the tenth day of the month following the month in which the items were delivered.

Reissued: September 16, 1946.

Effective: September 30, 1946.

J. F. Kessel,
Regional Administrator.

The prices listed in this order include all increases granted to resellers by the OPA through August 8, 1946. (See section 6 (b) of Basic Order No. 1–B.)

Table I

Commodity	Unit	Maximum price delivered	Maximum price f. o. b. yard
Flue lining (rectangular):			
4 in. x 8 in.	Linear feet	$0.305	$0.2935
4 in. x 12 in.	do	.399	.3876
8 in. x 8 in.	do	.399	.3876
8 in. x 12 in.	do	.6099	.5985
8 in. x 18 in.	do	.9035	.8807
12 in. x 12 in.	do	.7781	.7439
12 in. x 18 in.	do	1.177	1.1428
18 in. x 18 in.	do	1.5124	1.4678
20 in. x 20 in.	do	3.15	3.09
20 in. x 24 in.	do	3.64	3.53
24 in. x 24 in.	do	4.12	4.02
Flue lining (round):			
6 in.	do	.305	.2935
8 in.	do	.4731	.4503
10 in.	do	.704	.6812
12 in.	do	.9035	.8807
15 in.	do	1.2084	1.1742
18 in.	do	1.6815	1.6245
20 in.	do	2.0178	1.9494
22 in.	do	2.6904	2.5992
24 in.	do	3.0267	2.9241
Flue thimbles:			
6 in. x 4½ in.	Each	.5073	.4959
6 in. x 6 in.	do	.5073	.4959
6 in. x 9 in.	do	.5073	.4959
6 in. x 12 in.	do	.5073	.4959
7 in. x 4½ in.	do	.704	.6812
7 in. x 6 in.	do	.704	.6812
7 in. x 9 in.	do	.704	.6812
7 in. x 12 in.	do	.704	.6812
8 in. x 4½ in.	do	.704	.6812
8 in. x 6 in.	do	.704	.6812
8 in. x 9 in.	do	.704	.6812
8 in. x 12 in.	do	.704	.6812
10 in. x 4½ in.	do	.8408	.818
10 in. x 6 in.	do	.8408	.818
10 in. x 9 in.	do	.8408	.818
10 in. x 12 in.	do	.8408	.818
12 in. x 4½ in.	do	1.0089	.9747
12 in. x 6 in.	do	1.0089	.9747
12 in. x 9 in.	do	1.0089	.9747
12 in. x 12 in.	do	1.0089	.9747
Flue pipe:			
6 in.	Linear feet	.2879	.2765
7 in.	do	.4532	.4304
8 in.	do	.4532	.4304
Chimney bottoms:			
6 in.	Each	1.2084	1.1742
7 in.	do	1.881	1.824
8 in.	do	1.881	1.824
Single openings (fire clay):			
6 in. x 6 in.	do	1.2084	1.1742
7 in. x 7 in.	do	1.881	1.824
8 in. x 6 in.	do	1.881	1.824
8 in. x 8 in.	do	1.881	1.824
Chimney anchor bonnets, double openings, chimney bases:			
6 in. x 6 in.	Each	$1.5134	$1.4678
7 in. x 7 in.	do	2.3655	2.2743
8 in. x 6 in.	do	2.3655	2.2743
8 in. x 8 in.	do	2.3655	2.2743
Chimney drop bottoms:			
6 in. x 6 in. x 2 ft.	do	1.8183	1.7499
6 in. x 6 in. x 2½ ft.	do	1.8183	1.7499
7 in. x 7 in. x 2 ft.	do	2.8272	2.7246
7 in. x 7 in. x 2½ ft.	do	2.8272	2.7246
8 in. x 6 in. x 2 ft.	do	2.8272	2.7246
8 in. x 6 in. x 2½ ft.	do	2.8272	2.7246
8 in. x 8 in. x 2 ft.	do	2.8272	2.7246
8 in. x 8 in. x 2½ ft.	do	2.8272	2.7246
Farm drain tile:			
3 in. diameter	Linear foot	.0656	.0543
4 in. diameter	do	.0757	.0757
5 in. diameter	do	.1306	.1192
6 in. diameter	do	.1514	.1514
8 in. diameter	do	.2385	.2271
3 in. Y's and T's	Each	.4446	.4446
4 in. Y's and T's	do	.4446	.4446
3 in. L's and Curves	do	.4446	.4446
in. L's and Curves	do	.4446	.4446
Cement:			
Portland (paper bag).	94-pound bag	.695	.665
Portland (cloth bag).	do	.795	.765
Portland, waterproof, gray (paper bag).	do	1.065	1.035
Portland, high early strength (paper bag).	do	1.065	1.035
Portland, white, plain (paper bag).	do	2.20	2.17
Portland, white, waterproof (paper bag).	do	2.45	2.42
Lumnite (Atlas) (paper bag).	do	3.05	3.02
Keene's cement (paper bag).	100-pound bag	2.00	1.97
Hydrated lime:			
Finish (paper bag).	50-pound bag	.504	.4816
Mason's (paper bag).	do	.448	.4256
High pressure (paper bag).	do	.504	.4816
Chemical (paper bag).	do	.616	.616
Mortar color:			
Red	100-pound bag	3.00	2.97
Black	do	5.25	5.22
Dark buff	do	3.75	3.72
Chocolate brown	do	4.50	4.47
Concentrate, cream.	1-pound package	.50	.50
Concentrate, red.	4-pound package	.70	.70
Concentrate, buff.	2-pound package	.65	.65
Concentrate, black.	2½-pound package	.85	.85
Concentrate, chocolate brown.	4-pound package	.70	.70
Dry mix concrete:			
Gravel mix	90-pound bag	.69	.64
Do	45-pound bag	.53	.48
Sand mix	80-pound bag	.84	.79
Do	45-pound bag	.64	.59
Do	11-pound bag	.42	.37
Mortar mix	70-pound bag	.78	.73
Metal lath (add .01 per sq. yd. for self furring lath):			
Diamond mesh, painted, copper bearing 2.5 lb.	Square yard	.2676	.2676
Diamond mesh, painted, copper bearing, 3.4 lb.	do	.234	.324
Diamond mesh, galvanized, painted, 3.4 lb.	do	.3186	.3186
Flat rib, painted, copper bearing, 2.75 lb.	do	.297	.297
Flat rib, painted, copper bearing, 3.4 lb.	do	.3422	.3422
Sheet lath, painted, copper bearing, 4.5 lb.	do	.4602	.4602

TABLE I—Continued

Commodity	Unit	Maximum price delivered	Maximum price f. o. b. yard
Corner beads:			
Expanded, galvanized.	Linear foot	$0.0428	$0.0428
Narrow flange	do	.0326	.0326
Wide flange	do	.043	.043
Corner lath, expanded, painted, 3 in. x 3 in.	do	.0215	.0215
Insulation lath:			
½ in. x 18 in. 48 in.	1,000 square feet	48.38	48.38
1 in. x 18 in. x 48 in.	do	86.00	86.00
Insulation board:			
½ in.	do	48.38	48.38
1 in.	do	86.00	86.00
Partition tile—clay:			
3 in. x 12 in. x 12 scored 2 sides.	1,000	117.32	117.32
4 in. x 12 in. x 12 in. smooth 2 sides.	1,000	123.48	123.48
6 in. x 12 in. x 12 in. smooth 2 sides.	1,000	185.41	185.41
6 in. x 12 in. x 12 in. smooth 1 side—scored 1 side.	1,000	185.41	185.41
8 in. x 12 in. x 12 in. smooth 2 sides.	1,000	209.65	209.65
3 in. x 12 in. x 12 in., smooth 1 side, scored 1 side.	1,000	209.65	209.65
Partition tile—gypsum:			
3 in. x 12 in. x 30 in., hollow.	Square feet	.09	.08
4 in. x 12 in. x 30 in., hollow.	do	.11	.11
6 in. x 12 in. x 30 in., hollow.	do	.19	.18
Plaster:			
Hardwall—hair fiber (paper bag).	100-pound bag	.95	.92
Hardwall—wood fiber (paper bag).	do	1.07	1.04
Do	50-pound bag	.63	.61
Gray gaging (paper bag).	100-pound bag	.95	.92
White gaging (paper bag).	do	1.40	1.37
White moulding (paper bag).	do	1.40	1.37
Bonding plaster (paper bag).	do	1.15	1.12
Sand white (paper bag).	do	1.10	1.00
Sand (buff) (bulk).	Per ton	6.00	5.50
Sand (buff) (paper bag).	100-pound bag	1.00	1.00
Asphalt roofing:			
210 lb. (3 in 1) thick butts, standard colors (red, green and blue black).	100 square feet	6.03	6.03
210 lb. (3 in 1) thick butts, special colors.	do	6.55	6.55
35 lb. roll roofing, smooth surface.	100 square feet roll.	1.60	1.60
45 lb. roll roofing, smooth surface.	do	1.86	1.86
65 lb. roll roofing, smooth surface.	do	2.36	2.36
90 lb. roll roofing, mineral surface.	108 square feet roll.	2.76	2.76
Slaters felt, 30 lb.	500 square feet roll.	1.49	1.49
Asphalt or tarred felt, 15 pound.	432 square feet roll.	2.55	2.55
Asphalt or tarred felt, 30-pound.	216 square-foot roll.	2.55	2.55
Red rosin paper, 25-pound.	500 square-foot roll.	1.25	1.25
Gypsum wall board, plain, ⅜ in.	1,000 square feet	45.00	45.00
Wall ties, galvanized, standard boxes (for brick).	Box of 1,000	3.50	3.45
Fine sand	Per ton	1.90	1.40
Fine sand (paper bag).	100-pound bag	.25	.25
Fine sand (cloth bag).	do	.35	.35
Concrete sand	Per ton	1.90	1.40
Washed gravel	do	2.00	1.50
Crushed boulders	do	2.50	2.50
Boulder screenings	do	2.75	2.75
Slag	do	3.50	2.75

TABLE I—Continued

Commodity	Unit	Maximum price delivered	Maximum price f. o. b. yard
Vitrified clay sewer pipe, standard (2-foot lengths):			
3 in	Linear feet	$0.1995	$0.1935
4 in	do	.1995	.1935
5 in	do	.305	.2936
6 in	do	.305	.2936
8 in	do	.4731	.4503
10 in	do	.704	.6812
12 in	do	.9035	.9947
15 in	do	1.2084	1.1742
18 in	do	1.7955	1.6245
20 in	do	2.0178	1.9494
21 in	do	2.3541	2.2743
22 in	do	2.6904	2.5992
24 in	do	3.0267	2.9241
Vitrified clay sewer pipe, Y's or T's:			
3 in	Each	.8191	.7849
4 in	do	.8191	.7849
5 in	do	1.2084	1.1784
6 in	do	1.2084	1.1784
8 in	do	1.8411	1.7841
10 in	do	2.7674	2.6648
12 in	do	3.5597	3.4343
15 in	do	4.7424	4.5714
18 in	do	6.726	6.498
20 in	do	8.0712	7.7976
21 in	do	9.4164	9.0972
22 in	do	10.7616	10.3968
24 in	do	12.1068	11.6964
Vitrified clay sewer pipe, curves and elbows:			
3 in	do	.8094	.7752
4 in	do	.8094	.7752
5 in	do	1.2084	1.1742
6 in	do	1.2084	1.1742
8 in	do	1.881	1.824
10 in	do	2.8272	2.7246
12 in	do	3.6366	3.5112
Vitrified clay sewer pipe, curves only:			
15 in	do	4.845	4.674
18 in	do	6.726	6.498
20 in	do	8.0712	7.7976
21 in	do	9.4164	9.0972
22 in	do	10.7616	10.3968
24 in	do	12.1068	11.6964
Vitrified clay sewer pipe, R. P. & H. H. traps:			
3 in	do	1.596	1.539
4 in	do	1.596	1.539
5 in	do	2.4168	2.337
6 in	do	2.4168	2.337
8 in	do	3.762	3.6366
Vitrified clay sewer pipe, standard (3-foot lengths):			
4 in	Linear feet	.2189	.2189
5 in	do	.334	.334
6 in	do	.334	.334
8 in	do	.4993	.4765
10 in	do	.7376	.7148
12 in	do	.9565	.9223
Vitrified clay sewer pipe, double strength (3-foot lengths):			
15 in	do	1.5208	1.3611
18 in	do	2.2629	2.2059
20 in	do	2.5992	2.5308
21 in	do	3.0381	2.9583
22 in	do	3.4656	3.3744
24 in	do	3.9045	3.8019

Elbows special from 15 in. up. 8 times price of 1-foot pipe same size.

Face brick (shipped)—standard size—2¼ in. x 3¾ in. x 8 in.[1]

	Textured		Smooth		Sanded—
	Straight range	Mingled shade	Straight range	Mingled shade	Straight range or mingled shade
Red series	$36.00	$35.50	$36.00	$35.00	$35.00
Buffs fireclay	38.00	37.50	38.00	37.50	35.00
Greys fireclay	39.00	38.50	40.00	39.00	------
Ironspots fireclay	40.50	40.50	42.50	40.50	------

[1] "Face brick (shipped)" is an industry term and indicates the same type of brick to which the same term referred in March, 1942.

Priced per 1,000.

Above face brick are cored brick, standard size, 2¼ in. x 3¾ in. x 8 in.

Add $2.50 per 1,000 for solid brick.

Above brick prices are for full car lots f. o. b. Cincinnati switching limits. Purchaser to pay transportation tax on brick deliveries.

Delivery. (i) The maximum prices listed in table I, hereof, in the column headed "maximum prices delivered" include delivery of the listed items: *Provided, however,* That the seller may defer delivery until such time as a 5-ton load can be assembled to be delivered in the same general area.

(ii) Where the purchaser elects to make his own delivery, the seller shall charge no more than the maximum price listed in table I, hereof, in the column headed "maximum price f. o. b. yard."

Discount. Sellers covered hereby shall grant discounts of not less than 2 percent on the items covered hereby when full payment is made for such items on or before the tenth day of the month following the month in which the items were delivered.

Opinion Accompanying Order No. G–81 Under General Order No. 68

The accompanying order establishes area-wide prices for retail sales of hard building materials in the Cincinnati, Ohio Area. The order is issued under the provisions of General Order No. 68 and adopts all the applicable provisions contained in Basic Order No. 1–B under General Order No. 68. The opinion accompanying said Basic Order No. 1–B is hereby incorporated by reference into this opinion.

The defined area covered by the accompanying order includes the County of Hamilton in the State of Ohio.

The maximum prices established by the accompanying order supersede pricing provisions currently in effect for retail sales of the listed hard building materials in this area.

This action has been discussed with members of the trade in the area at informal meetings with representative dealers. Most of the dealers in attendance agreed that prices established by the accompanying order are in line with those formerly prevailing under the freeze. All suggestions and recommendations of the trade have been considered and have been incorporated into the accompanying order to the extent that these suggestions were consistent with the provisions of General Order No. 68 and the Emergency Price Control Act of 1942.

In the opinion of the Regional Administrator, the provisions of the accompanying order are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of General Order No. 68, as amended.

The original effective date of this order was at a time subsequent to the expiration of the Emergency Price Control Act of 1942 and before the act had been extended. For the sake of clarity the Regional Administrator has deemed it advisable to reissue this order with a new effective date.

[F. R. Doc. 46–18698; Filed, Oct. 16, 1946; 8:55 a. m.]

[Philadelphia Adopting Order 8 Under Basic Order 3 Under MPR 251]

INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN PHILADELPHIA, PA., AREA

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register

and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended by section 9 of Revised Maximum Price Regulation 251 as amended and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Philadelphia District Office, it is hereby ordered that:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 3 under section 9 to Revised Maximum Price Regulation No. 251 as amended, covers all sales of installed insulation and related and incidental construction work in existing structures in the area hereinafter described. All provisions of Basic Order No. 3 under section 9 of Revised Maximum Price Regulation No. 251 as amendmed are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 3 is amended in any respect, the provisions of said order as amended, shall likewise without further action become part of this order. All persons subject to this adopting order are also subject to Basic Order No. 3 under section 9 of Revised Maximum Price Regulation No. 251 as amended, and should be familiar with the provisions of said basic order.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order consists of the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, all in the State of Pennsylvania.

SEC. 3. *General provisions.*—(a) *Related and incidental work.* The term "related and incidental" work, for the purposes of this order, shall mean any installation of building materials, or any work necessary for the actual installation and provided by the seller for which prices are not fixed by this order. Charges for such work shall be determined under RMPR–251, and shall be stated separately on all contracts or invoices.

(b) *Fire retarding.* Where fire retarding material and specified density are required by local building codes, or by any other local ordinance, the cost of doing this work shall be determined under RMPR–251.

(c) *Special insulation.* All types of insulation not expressly listed in the categories contained in this order, shall, for the purposes of this order, be treated as special insulation. Charges for such special insulation shall be determined under Revised Maximum Price Regulation 251, and such charges shall be separately stated on all contracts or invoices.

(d) *Bonded, tar, gravel and metal roofs.* Where it is necessary to preserve the guarantee of a bonded roof, the price of the opening and restoration of the roof to its original condition, in accordance with the guarantee, shall be determined under RMPR–251.

Where it is necessary to open a roof, the exterior of which is composed of tar, gravel, or metal, the price of the opening and restoration of the roof to its original condition shall be determined under RMPR–251.

(e) *Access to areas to be insulated.* The maximum prices fixed by this order include scaffolding and other means for access commonly used by the industry for the installation of insulation.

Where unusual conditions are encountered which require special scaffolding or other special means of access to areas to be insulated, the price of this special work shall be determined under RMPR–251.

(f) *Retaining material.* The price of furnishing and installing retaining materials other than the three standard types specified in this order shall be determined under RMPR–251.

(g) *Finished flooring.* The term finished flooring shall mean flooring strip or parquet up to three and one-quarter inches (3¼") wide, and other architecturally designed or antique flooring that has been sanded, filled, finished, waxed and pressure rubbed, or shellacked to form a finished product.

Where it is necessary to make openings in such floor for the insulation of areas under said floor, the price of the openings and restoration of the floor to its original condition shall be determined under RMPR–251.

(h) *Finished ceilings.* Where it is necessary to make openings in a ceiling, or overhang, finished with materials other than the three standard retaining materials specified in this order, for the insulation of areas above such ceiling, the price of the openings and restoration of the ceiling to its original conditions shall be determined under RMPR–251.

(i) *Deliveries.* The maximum prices provided by this order shall apply to all installations of insulation made within a radius of 10 miles of the seller's nearest place of business.

For installations of insulation at more distant points, one-half of one percent (½ of 1%) may be added to the total contract price for each mile in excess of 10 miles from the seller's nearest place of business.

SEC. 4. *Maximum prices.* The maximum prices for all sales of installed insulation in existing structures in the area covered by this order are set forth in Schedule A hereto annexed and made a part of this order. The prices fixed in this order apply to all sales in the area covered by this order regardless of the location of the seller's place of business.

SEC. 5. *Relationship of this order to other regulations and orders.* As previously stated, all provisions of Basic Order No. 3 are adopted by this order. The maximum prices fixed by this order supersede sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 as amended with respect to all sales of installed insulation in existing structures in the area covered by this order, unless otherwise provided by this order. All other provisions of Revised Maximum Price Regulation No. 251 as amended are applicable to transactions covered by this order unless otherwise specifically provided in this order.

SEC. 6. *Notification.* Every person making sales of insulation covered by this order shall furnish to the purchaser at or before the starting of the work, a copy of the agreement pursuant to which the work is to be done. This agreement shall set forth the name and address of the buyer and of the seller, the location of the work, and an adequate description of the areas to be insulated, the materials to be used, and the services to be performed, and the amount to be paid. If any work other than insulation, for which ceiling prices are fixed by this order is to be performed, the price of such work shall be separately stated.

SEC. 7. *Revocation or amendment.* This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective October 30, 1946.

Issued this 15th day of October 1946.

FRANK J. LOFTUS,
District Director.

SCHEDULE A—MAXIMUM PRICES FOR INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN THE PHILADELPHIA AREA, CONSISTING OF THE COUNTIES OF BUCKS, CHESTER, DELAWARE, MONTGOMERY AND PHILADELPHIA, ALL IN THE STATE OF PENNSYLVANIA

(The prices listed below are per square foot (4 inch thickness basis) for insulation wool as defined in Paragraph (b) of Basic Order No. 3 under section 9 of RMPR 251)

FLAT AREAS

Exposed Ceilings	*Prices per square ft.*
1. Open attics with over 24" clearance to roof. No roof opening necessary, open blowing conditions. Drawing 1	$0.14
2. Under flat built-up roofs (suspended ceiling) with over 24" clearance between roof and hung ceiling; open blowing conditions. (Price does not include cost of opening and closing). Drawing 2	.15
Covered ceilings	
3. Open attics with a single rough flooring (unfinished and accessible.) No roof opening necessary. Price includes cost of removing and replacing flooring. Drawing 3	.17
Flat ceilings in closed spaces	
(Prices do not include cost of opening and closing—items 4 to 11 inclusive)	
4. Flat ceilings in closed spaces under pitched or sloping roofs where opening in roof is necessary, such as pocket areas behind knee walls, areas under roof ridges, or extensions which are practically flat. Drawing 6:	
(a) Open floors	.15
(b) Closed single rough flooring (unfinished)	.17
5. Ceilings in closed spaces ridge of pitched roofs, where openings for the full length of ridge is necessary because of small clearance between ridge and ceiling area. Drawing 7	.17
6. Flat built-up roof types including row house construction and commercial buildings. Drawings 2 and 8	.17
7. Flat roof decks covered with tin, copper or canvas. Drawing 9	.20
8. Garrison Overhang. Drawing 10	.19

FLAT AREAS—Continued

Exposed ceilings	*Prices per square ft.*
9. Dormer tops. Drawing 11:	
(a) Where no retainer material is necessary	$0.15
(b) Where retainer material is necessary. (Price includes installation of retainer material.)	
Sisal kraft (includes belly band)	.23
Backer board	.25
Corrugated board	.24
10. Bay Windows, Drawing 12:	
(a) Top	.19
(b) Bottom	.20
Floors	
11. Any exposed floors over garage ceiling, open porches or similar types of areas where the underside of the area to be insulated is closed and finished. Drawing 13	.20
12. Any exposed floors where the areas to be insulated are not closed and finished and where retaining materials are required. Drawing 14. (Price includes installation of retainer materials):	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
Floors over unexcavated areas	
13. Batts and blankets. (Full thick.) Drawing 13:	
(a) Under 4 feet clearance	.20
(b) Over 4 feet clearance	.18
14. 4" full blown over retaining material and lath retaining surface. Drawing 16. (Price includes installation of retainer materials.)	
(a) Under 4 feet clearance:	
Sisal kraft (includes belly band)	.28
Backer board	.30
Corrugated board	.29
(b) Over 4 feet clearance:	
Sisal kraft (includes belly band)	.25
Backer board	.27
Corrugated board	.26
Sloping Areas	
15. All slopes where closed and finished on the interior side of the rafters. (Price does not include cost of opening and closing.) Drawing 17	.17
16. Open rafters and slopes where batts or blankets are used, such as pockets outside of knee walls where blow is impractical. (Price does not include cost of opening and closing.) Drawing 18	.20
17. Open rafters and slopes. Insulation held in place by retaining material. (Price includes installation of retainer material.) Drawing 19:	
(a) Blowing:	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
(b) Batts and Blankets (full thick):	
Sisal kraft (includes belly band)	.23
Backer board	.25
Corrugated board	.24
Knee Walls and Partitions	
18. Interior plastered walls where no decoration is necessary except plaster patching. Drawing [illegible]. (Price includes opening and [illegible].)	.20
19. Knee walls adjacent to slopes and easily accessible (open studs), no openings required. (Price includes installation of retaining materials.) Drawing 21.	
(a) Retaining material—one side:	
Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.25
(b) Retaining material—both sides:	
Sisal kraft (includes belly band)	.32
Backer board	.36
Corrugated board	.34

FLAT AREAS—Continued

Knee Walls and Partitions—Con.	*Prices per square ft.*
(c) Batts and blankets—no retaining materials necessary	$0.19
20. Knee walls not accessible, requiring retaining material. Price includes installation of retaining material but does not include opening and closing.) Drawing 22.	
(a) Sisal kraft (includes belly band)	.24
Backer board	.26
Corrugated board	.26
(b) Batts and blankets—No retaining materials necessary	.20
21. Stairwells. (Price does include opening and closing. Drawing 23):	
(a) Soffitts	.20
(b) Walls (measurement of walls may be taken as rectangle from floor to ceiling)	.20
(c) Weatherstrip attic door (felt stripping only)—flat price	1.00
(d) Cover door with insulating Board (insulation applied directly to door.)	.24
Exterior Walls	
All prices on gross basis. (Prices include cost of opening and closing.)	
22. Exterior walls (including gable and end walls) with inner finish whose outer surface is composed of:	
(a) Wood or asphalt shingles	.18
(b) Wood clapboard	.18
(c) Brick	.23
(d) Stucco	.22
(e) Asbestos-cement shingles	.20
(f) Insulated brick	.22
(g) Stone	.28
Drawings 24, 25, 26, 27 and 30.	
23. Gable and end walls without inner finish, requiring standard retaining material. Drawings 25, 26 and 27. (Price includes installation of retaining material).	
Sisal kraft (includes belly band)	.22
Backer board	.24
Corrugated board	.23
23A. Batts and blankets not requiring retaining material	.19
24. Dormer cheeks and faces with inner finish, unit cost per dormer. Up to 5'0" in width—over 5'0" in width same unit price as exterior walls. Drawings 28 and 29. Flat Price	15.00
25. Dormer cheeks and faces without inner finish, requiring retainer material. (Price includes installation of retaining material.) Drawings 28 and 29.	
(a) Sisal kraft (includes belly band)	.22
Backer board	.24
Corrugated board	.23
(b) Batts and blankets—no retaining materials necessary	.19
26. Maximum prices for the following openings in types of roofs indicated:	

	Strip opening 12" wide (per linear ft.)	Manhole opening (per opening)
(a) Metal	$1.50	$6.00
(b) Wood shingle	1.00	3.50
Asphalt or asbestos		
(c) Slate	1.50	6.00
Tile		
(d) Roll roofing	1.00	3.50
Built-up roofing		

FLAT AREAS—Continued

Exterior Walls—Con.	*Prices per square ft.*
27. Maximum price differentials per inch for thicknesses of insulation other than 4".	
(a) Above 4"	$0.025
(b) Below 4"	.02

The drawings referred to by number in this Schedule are hereto annexed and made a part of this Schedule.

Opinion Accompanying Adopting 8 Under Basic Order 3 Under Section 9 of Revised Maximum Price Regulation 251 as Amended

Pursuant to the provisions of section 9 of Revised Maximum Price Regulation 251 as amended, Basic Order No. 3 for area pricing of installed insulation in existing structures and related and incidental construction work in Region 2, has been issued by the Regional Administrator of Region 2 under data of December 4, 1945. This basic order contains all the provisions common to future area pricing orders to be issued covering such services, such future orders to be known as adopting orders. Authority to issue pricing orders has been duly delegated by the Regional Administrator to the District Directors of the various districts in Region 2 in accordance with the authority contained in section 9 of Revised Maximum Price Regulation No. 251 as amended.

The accompanying order, Adopting Order No. 8 fixes flat (dollars and cents prices) for all sales of installed insulation in existing structures in the area covered thereby, more fully described in the order.

A study of conditions in the area shows that the maximum prices fixed by this order do not exceed the general level of prices in the area and are consistent with Executive Orders No. 9250, 9328, 9599, and 9651. The general provisions contained in the order are in accordance with the prevailing practices in the industry affected, and no provision has been made in the order which might have the effect of requiring any change in the practices or methods of the industry affected, except to the extent that such change is necessary to prevent circumvention or evasion of the order, or of Basic Order 3 or of Revised Maximum Price Regulation 251 as amended.

[F. R. Doc. 46-18880; Filed, Oct. 18, 1946; 8:57 a. m.]

[Region II Order G-11 Under MPR 592]

BUILDING MATERIALS IN NEW YORK REGION

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion, and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 as amended, and by section 16 of Maximum Price Regulation No. 592; *It is hereby ordered*, That:

(a) Crossman Company, Box 38, South Amboy, New Jersey, is permitted to increase its maximum net selling prices of sand, f. o. b. and delivered, to each class of customer by an amount not in excess of 8¢ per ton.

(b) Persons who buy sand for resale in the same form from Crossman Com-

pany may increase their legal maximum prices by an amount not exceeding the percentage increase in cost to them resulting from the adjustment to Crossman Company, granted by paragraph (a) of this order.

(c) At or before the first sale after the date hereof to any reseller, Crossman Company shall notify such reseller in writing, of the provisions of paragraph (b) of this order, and shall state to such reseller the percentage increase in price which such reseller may add to his maximum price under the provisions of said paragraph (b).

(d) Customary discounts, allowances, and other price differentials shall be maintained on all sales affected by this order.

(e) This order may be revoked, amended, or corrected at any time by the Regional Administrator or the Price Administrator.

(f) A copy of this order has been filed with the Division of the Federal Register where it is open to inspection by the public.

(g) All prayers of the application of Crossman Company not granted herein, are denied.

(h) Crossman Company may, within 60 days after the date of this order, file with this office a request for review by the Administrator of the partial denial of this application.

This order shall become effective immediately.

Issued this 9th day of October 1946.

JAMES L. MEADER,
Regional Administrator.

Opinion Accompanying Order G–11 Under Section 16 of Maximum Price Regulation 592

Crossman Company, Box 38, South Amboy, New Jersey, applied for an adjustment of its maximum price of sand under Section 16 of MPR 592.

Section 16 of maximum Price Regulation 592 authorizes adjustments for any manufacturer of a commodity covered by this regulation, where the supply of the commodity produced by that manufacturer could not be replaced if he discontinued his production or where his supply could be replaced only at a price equal to or higher than the requested maximum price. Adjustments may be made by Regional Administrators where the total sales of the manufacturer do not exceed $1,000,000, for the most recently completed calendar year. Sand is covered by MPR 592.

The data submitted on the application indicates that a shortage of paving and brick sand, which is the type of sand produced by the applicant, exists, and that the applicants supply could only be replaced at prices as high as or higher than the requested maximum prices. The financial data submitted indicated that the applicant was entitled, under the criteria of the regulation, to an increase in its maximum net selling price of sand, f. o. b. and delivered to each class of customer, by an amount not in excess of 8¢ per ton, and the accompanying order grants this adjustment.

The data submitted by the applicant also indicates that sales are made to persons who purchase for resale in the same form, and the accompanying order therefore, permits such purchasers for resale, to increase their maximum prices by the percentage by which the cost to them is increased by reason of the adjustment, and requires the Crossman Company to notify such resellers. This provision for resales is in accordance with section 2 (t) of the Emergency Price Control Act of 1942 as amended.

[F. R. Doc. 46–18881; Filed, Oct. 18, 1946; 8:57 a. m.]

[Region IV, Order G–31 under RMPR 251]

PLUMBING SERVICES AND INSTALLED PLUMBING AND HEATING FIXTURES AND MATERIALS IN ALABAMA

For the reasons set forth in the accompanying opinion and under the authority conferred upon the Regional Administrator for Region IV of the Office of Price Administration by section 9 of Revised Maximum Price Regulation 251, *It is ordered:*

1. This adopting order establishes dollars-and-cents ceiling prices for plumbing services and installed plumbing and heating fixtures and materials, which ceiling prices are set forth in the appendix following section 4.

2. This order covers ceiling prices for plumbing services and installed plumbing and heating fixtures and materials in the State of Alabama.

3. This order revokes and supersedes Adopting Orders G–3, G–6, and G–26, covering plumbing and heating services in the Mobile, Montgomery, and Selma, Alabama, areas.

4. All the provisions of Order No. G–2 (Basic Order No. 1) for Region IV, under section 9 of Revised Maximum Price Regulation 251, are adopted in this order and are just as much a part of this order as if included herein. If Regional Order No. G–2 (Basic Order No. 1) under section 9 of Revised Maximum Price Regulation 251 is amended in any respect, all the provisions as amended shall likewise, without further action, be a part of this order.

APPENDIX

Maximum prices of plumbing and heating services and sales of installed fixtures and materials. The maximum amount which may be charged for plumbing and allied services customarily performed in this area by plumbing and heating contractors shall be the "maximum hourly service rates" as provided in sub-paragraph (a) below, plus the maximum prices of plumbing fixtures, materials, and subcontracted work, as set forth in sub-paragraphs (b), (c), and (d) below.

(a) *The maximum hourly service rate.* The maximum hourly service charge for labor involved shall be determined as follows:

Legal wage rates paid—for journeyman, apprentice, helper or laborer:	*Maximum hourly service rates (straight time charge)*
$0.01 to $0.50, inclusive	$0.75
$0.51 to $0.65, inclusive	1.00
$0.66 to $0.80, inclusive	1.25
$0.81 to $0.95, inclusive	1.50
$0.96 to $1.10, inclusive	$1.75
$1.11 to $1.25, inclusive	2.00
$1.26 to $1.40, inclusive	2.25
$1.41 to $1.55, inclusive	2.50
$1.56 to $1.70, inclusive	2.75
$1.71 to $1.85, inclusive	3.00
$1.86 to $2.00, inclusive	3.25

(b) *Maximum prices of installed plumbing and heating fixtures and materials—Fixtures.* The maximum amount which may be charged for any fixture involved in the process of repairing or installing, as defined in the basic order, shall not exceed the invoiced cost, plus actual transportation charges paid, plus a markup of not more than thirty-three and one-third per cent (33⅓%) on cost. However, if the fixture being installed has an OPA tag showing maximum retail price, this legal price must not be exceeded.

Materials. The maximum amount which may be charged for any materials involved in the process of repairing or installing, as defined in the basic order, shall not exceed the seller's cost, plus a mark-up of not more than forty per cent (40%) on cost, except that whenever the unit cost of material involved is less than $2.00 and such material is used as a replacement part in a repair job not exceeding a cost of $25.00 to the purchaser, a mark-up not to exceed one hundred per cent (100%) on the cost of the material may be charged.

(c) *Maximum prices of sub-contracted work.* The maximum amount which may be charged for any necessary sub-contracted work such as sheet metal work, pipe covering, plastering painting, electrical work, etc., incidental to the installation or repair of plumbing and heating, shall not exceed the actual cost of such sub-contracted work, plus a mark-up not in excess of twenty-five per cent (25%) on cost.

(d) *Transportation charges.* The maximum amount which may be charged for transportation of fixtures, materials, etc., to any one job within the city limits of the city wherein the seller's place of business is located, shall not exceed fifty cents ($0.50); for any one job outside the city limits, the additional charge shall not exceed five cents ($0.05) per mile for actual mileage as measured from the city limits of the applicable city.

This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective October 18, 1946.

Issued September 25, 1946.

JOHN D. MOSLEY,
Acting Regional Administrator.

Opinion Accompanying Order G–31 Under Section 9 of Revised Maximum Price Regulation 251

Under section 9 of Revised Maximum Price Regulation 251, the Price Administrator and each Regional Administrator of the Office of Price Administration is authorized to issue and put in effect pricing orders establishing maximum prices for particular kinds, types, or classifications of construction services or sales of installed building materials, or both, applicable to a particular community or a defined area.

The Regional Administrator for Region IV of the Office of Price Administration

has issued Regional Order No. G–2 (Basic Order No. 1) under Revised Maximum Price Regulation 251, covering plumbing services and installed plumbing and heating fixtures and materials, containing basic legal provisions which all local dollars-and-cents ceiling price orders involving plumbing services and installed plumbing and heating fixtures and materials have in common, and it has effect only when specifically adopted by an adopting order which makes a specific set of prices effective in an area and incorporates by reference said basic order.

There is issued simultaneously herewith Order No. G–31 under section 9 of Revised Maximum Price Regulation 251. This order establishes dollars-and-cents ceiling prices for plumbing services and installed plumbing and heating fixtures and materials in the State of Alabama, which ceiling prices are set forth in the appendix following section 4 of the order. It also revokes Orders G–3, G–6, and G–26 under section 9 of Revised Maximum Price Regulation 251.

This Order No. G–31 adopts all the provisions of Order No. G–2 (Basic Order No. 1) under section 9 of Revised Maximum Price Regulation 251.

After consultation with members of the industry involved and after giving consideration to the suggestions offered, it is the opinion of the Regional Administrator of Region IV that the prices fixed in this order are generally fair and equitable and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46–18886; Filed, Oct. 18, 1946; 8:59 a. m.]

[Dallas Order 1 Under Order G–1 Under Gen. Order 50]

MALT BEVERAGES IN TEXAS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 4 (f) of Region V Order No. G–1, as amended, it is hereby ordered:

(a) *To whom this order applies.* This order applies to every seller selling malt beverages within the grounds of the state fair of Texas by virtue of a concession permit issued by the management of such fair.

(b) *Maximum prices.* All sellers of malt beverages covered by this order may sell malt beverages during the period commencing at 12:01 a. m. Saturday, October 5, 1946 and ending at midnight Sunday, October 20, 1946, at the following maximum prices:

Table I Brands as shown in Region V Order G–1 under General Order 50, as amended: 12 ounce size, 29¢; 32 ounce size, 52¢.

Table II Brands as shown in Region V Order G–1 under General Order 50, as amended: 12 ounce size, 24¢; 32 ounce size, 42¢.

For all Table III Brands shown in Region V Order G–1 Under General Order 50, as amended, add 10¢ per 12 ounce size to the maximum prices established by Region V Order G–1 for Group 3B.

(c) Notwithstanding the maximum prices established by this order, no seller may charge more than 24¢ per 12 ounce container of 42¢ per 32 ounce container for malt beverages in containers without labels or identifying imprints.

(d) *Posting of prices.* All sellers must post and keep posted in their establishment, at a place where it can be easily read by customers, a poster showing the brand name, quality and ceiling price of each kind and type of bottled malt beverages offered for sale.

(e) This order may be revoked or amended by the District Director at any time.

(f) This order shall become effective at 12: 01 a. m. on the 5th day of October 1946.

(56 Stat. 22, 765; 57 Stat. 566; Public Law 383, 78th Cong.; E. O. 9250, 7 F. R. 7671; E. O. 9228, 8 F. R. 4681; G. O. 50, 8 F. R. 4808)

Issued this 4th day of October 1946.

GUS W. THOMASSON,
District Director.

Opinion Accompanying Order No. 1 Under Section 4 (f) of Region V Order No. G–1

At the time of the issuance of Region V Order No. G–1 under General Order 50, fairs were not generally held due to wartime restrictions, consequently sales at fairs were not given any special consideration in the order. Now that hostilities have ceased, numerous requests have been made to restore historical pricing practices for sales of malt beverages at fairs. On the 4th day of October, 1946, the Regional Administrator for Region V issued Amendment 17 to Region V Order G–1 whereby a District Director may establish special maximum prices for fair ground sellers of malt beverages.

Order No. 1 under section 4 (f) to Region V Order G–1 is issued pursuant to this amendment to restore, insofar as possible, the available peacetime differentials between prices historically charged by sellers within the bounds of the state fair of Texas, and sellers located outside of the bounds of the state fair of Texas. The maximum prices established for the duration of the state fair of Texas were established after consultation with the industry and the superintendent of concessions at the state fair.

It is the opinion of the District Director that the prices so established in this order are generally fair and equitable and will properly effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46–18879; Filed, Oct. 18, 1946; 8:56 a. m.]

[Region VIII 2d Revised Order G–11 Under RMPR 251]

CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS IN SOUTHERN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, *It is ordered*, That Revised Order No. G–11 under Revised Maximum Price Regulation No. 251 be amended and revised in its entirely, to read as follows:

(a) *What this order does.* This order establishes maximum prices for all sales of installed roofing and siding when the installation is performed in the Southern California area, which comprises the following counties in the State of California: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Kern, and Ventura.

(b) *Relation to Revised Maximum Price Regulation No. 251.* Except as may be otherwise provided in this order, this order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 with respect to sales covered by this order. Except to the extent they are inconsistent with the provisions of this order, however, all other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, shall apply to sales covered by this order.

(c) *Maximum prices.* The maximum prices of any person who sells the following materials in the above described area on an installed basis are as follows:

Maximum price (per square of 100 sq. ft. unless otherwise noted)

Item	
I. *Installed roofing.* (The following maximum prices cover sales of materials installed according to manufacturers' specifications and include material and labor for hip, side, and valley and nails, mastic, and flashing around chimneys and vents.)	
A. Composition roofing:	
1. 105 lb. classification, including diamond point, pyramid, shadowpoint, gothicpoint, roll roofing:	
Nailed on	$7.25
Nailed on and tabs cemented	8.00
2. 130 to 150 lb. classification, including standard Dutch lap, lok, griplock shingles	9.50
3. 151 to 175 lb. classification, including Hexagon, standard gothic, giant Dutch lap, evertite, rigid slab, and alumi shield shingles	10.25
4. 174 to 239 lb. classification, including square butt, thick-butt, and square tab	12.75
5. 255 to 325 lb. classification rigid asbestos shingles (white or colored)	25.00
6. 90 lb. roll composition mineral surface, nailed on	6.25
7. 90 lb. roll composition mineral surface, nailed on with seams mopped	6.25
8. 15 lb. asphalt felt plus 60 lb. smooth or 90 lb. mineral surfaced cap, nailed and mopped on	8.50
9. 30 lb. felt plus 60 lb. smooth or 90 lb. mineral surfaced cap, nailed and mopped on	9.25
10. 40 lb. felt plus 60 lb. smooth or 90 lb. mineral surfaced cap, nailed and mopped on	9.25
11. 2 layers 15 lb. asphalt felt, mopped between and on top	5.75
12. 2 layers 30 lb. asphalt felt, nailed and mopped between and on top (new work under tile)	7.00
13. 3 layers 15 lb. asphalt felt, mopped on and graveled	8.75

Installed Roofing—Continued

Maximum price (per square of 100 sq. ft. unless otherwise noted)

A. Composition roofing—Continued.

14. 2 layers 30 lb. asphalt felt, mopped on and graveled	$8.50
15. 2 layers 40 lb. specification, mopped on and graveled	9.25
16. 58 lb. mineral surface split sheet, nailed and mopped on	8.75
17. 58 lb. metallic surface split sheet, nailed and mopped on	9.25
18. 30 lb. asphalt felt and 2 layers of 58 lb. metallic split sheet, nailed and mopped on	12.75
19. 30 lb. asphalt felt and 90 lb. cap sheet, mopped on to existing corrugated iron	9.25
20. 1 layer Irish flax felt and gray crushed rock over corrugated iron—4 moppings asphalt	14.75
21. 65 lb. alumi shield, mopped over 30 lb. asphalt felt	10.25
22. 65 lb. asbestos felt, nailed on with seams mopped	7.50
23. 3 layers 15 lb. or 20 lb. asbestos felt, mopped between and on top	12.75
24. 45 lb. asbestos felt, nailed on, plus 2 layers 15 lb. or 20 lb. asbestos, mopped between and on top	13.75
25. 2 layers 45 lb. asbestos felt, mopped between and on top	11.50
26. 65 lb. asbestos felt and 2 layers 15 lb. or 20 lb. asbestos felt, mopped between and on top	14.75
27. 45 lb. asbestos felt, mopped over one layer 30 lb. asphalt felt	9.25
28. 55 lb., 60 lb., or 65 lb. asbestos felt, mopped over one layer 30 lb. asphalt felt	10.75
29. 55 lb., 60 lb., or 65 lb. asbestos felt, mopped over one layer 15 lb. asphalt felt	9.50
30. 45 lb. asbestos felt, mopped over one layer 15 lb. asphalt felt	8.50
31. 30 lb. asphalt felt, nailed on, plus one layer 15 lb. or 20 lb. asbestos felt, mopped on	8.50
On built-up roofs having a pitch greater than 1/6 (4" vertical rise in each 12" of horizontal dimension) and on other roofs having a pitch greater than 1/3 (8" vertical rise in each 12" of horizontal dimension), to the foregoing prices add	1.00
32. 30 lb. asphalt felt, nailed on, with seams mopped	3.75
33. Plain asphalt roof coatings, cold application:	
Over new roofing	1.50
Over old roofing	2.25
34. Hot asphalt roof coating, mopped on	2.25
35. Fibre roof coatings, cold application:	
Over new roofing	1.75
Over old roofing	2.75
For additional layers of material the foregoing prices may be increased by the amounts shown in the following items:	
36. 1 extra layer 15 lb. asphalt felt:	
Mopped on	2.25
Nailed on	1.75
37. 1 extra layer 30 lb. asphalt felt:	
Mopped on	2.75
Nailed on	2.25
38. 1 extra layer 40 lb. specification, mopped on	2.75
39. 1 extra layer 15 lb. or 20 lb. asbestos felt, mopped on	2.50
B. Wood shingle roofing:	
1. No. 1 red cedar or redwood shingles. Applied to expose not more than 5" of 16" shingle or not more than 5½" of 18" shingle	17.00
2. No. 2 red cedar or redwood shingles. Applied to expose not more than 4½" of shingle	16.25

Installed Roofing—Continued

Mavimum price (per square of 100 sq. ft. unless otherwise noted)

B. Wood shingle roofing—Continued.	
3. No. 3 red cedar or redwood shingle. Applied to expose not more than 4" of shingle	$15.50
C. Flashing (other than around chimneys and vents):	
1. Galvanized iron flashing 4"—26 ga. (per lin. ft.)	.15
2. Fabric and plastic flashing (per lin. ft.)	.15
3. Tile coping, standard mission type (per lin. ft.)	.25
Plus, for drilling holes and anchoring of tile when required by local ordinance (per lin. ft.)	.10
4. 3 course asbestile flashing (per lin. ft.)	.25
5. 5 course asbestile flashing (per lin. ft.)	.40
D. Extras:	
1. For removal of old composition roofs (other than removal of gravel only)	1.50
Plus, for each story above the second story	.30
2. For removal of old wood shingles	2.25
3. For disposal of old composition roofing or wood shingles	.50
4. For removal and disposal of gravel only	1.25
5. For finishing gable ends or eaves with full roll (per lin. ft.)	.25
6. For finishing gable ends or eaves with half roll (per lin. ft.)	.10
7. For metal edging (½" x 1" x 1½') (per lin. ft.)	.08
8. For galvanized iron valleys 18" 26 ga	.30
E. Additions applying to built up roofs:	
1. For jobs on buildings of more than 2 stories, for each story above the second add	.30
2. For jobs of less than five squares, add	2.00

II. *Installed siding.* (The following prices cover installed sales of these materials applied according to manufacturers' specifications and include nails, mastic, and corners.)

A. Siding Material:	
1. Rigid insulated siding or ⅝" composition siding with imitation brick or stone pattern	$33.00
2. Roll or strip composition siding with imitation brick or stone pattern	16.00
3. Rigid asbestos siding	25.00
B. Additions and extras:	
1. For each square applied to any story above the first story	1.00
2. For 15 lb. asphalt felt underlay	1.00
3. For 30 lb. asphalt felt underlay	1.50
For jobs of less than five squares, add 10%.	

III. *Miscellaneous.* A. Measurements: When measuring the area to be covered, no deduction need be made for total openings on one job aggregating less than 100 sq. ft. For such openings aggregating between 100 sq. ft. and 500 sq. ft., inclusive, one-half of the area of the openings shall be deducted. For such openings of more than 800 sq. ft., the entire area of the openings shall be deducted.

B. Mileage and subsistence: For necessary travel to and from a job when the work is performed at a place more than 15 miles from the seller's nearest place of business, as measured along the most direct customary route, mileage may be charged at the rate of 10 cents per mile (one way) per day per job, but only for the excess over such distance.

A seller may be reimbursed for expenses incurred by him for employees required to remain out of town for the purposes of a job, but such reimbursement may not exceed the amount actually paid, and may be charged only if the need therefor has been explained to and authorized by the customer prior to the commencement of the work.

(d) *Items not listed in this order, repair work, and related or incidental work.* (1) For any combination or type of roofing or siding material for which a maximum price is not provided above, the seller may apply in writing to the Los Angeles District Office of the Office of Price Administration for the establishment of a maximum price. The Director of that office, either in response to such an application or on his own motion, may establish such a maximum price or a pricing method by special order. In the case of a seller who fails to apply for a maximum price, as provided above, and in the absence of such a special order, the maximum price for such combination or type of roofing or siding material shall be that of the most nearly similar combination or type of roofing or siding material for which a maximum price is established by this order or the actual cost of labor and materials, plus 33⅓ percent, whichever is lower.

(2) For roofing or siding repair work the maximum price shall be the cost of materials and labor (at not in excess of legal cost) plus a margin of 50 percent. But no job involving more than 25 percent of the surface upon which the work is performed shall be deemed "repair work" within the meaning of this paragraph. The above 25% limitation does not apply to repair of tile roofing.

(3) If on any job there are furnished any installed building materials or construction services (other than roofing or siding materials and their installation) for which maximum prices are not established by this order or by any other order issued under section 9 of Revised Maximum Price Regulation No. 251, the maximum price therefor shall be determined under sections 6, 7, or 8 of Revised Maximum Price Regulation No. 251.

(4) *Minimum charge.* For roofing or siding jobs requiring less than one hour there may be collected a minimum charge of $10.00.

(e) *Definitions.* (1) "Mopped on" or "mopped over" means applied over another layer of roofing by means of a continuous membrane of asphalt which has been liquefied by heat.

(2) "Square" means 100 square feet of roof area or wall area, as the case may be.

(f) *Guaranteed price.* A seller may offer to sell a roofing or siding job covered by this order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

(g) *Records and invoices.* Every person making sales subject to this order shall furnish each customer who requests it an invoice or sales slip on which he has certified that the price charged does not exceed the price permitted by this Second Revised Order No. G–11 and setting forth information sufficient to show the correctness of the price charged, including the areas or footage involved and the applicable unit price when one

is provided by this order, and the labor rates, hours of work involved, and itemized cost of materials, when maximum prices depend on such costs, and showing also the names and addresses of the buyer and seller, the location of the job and the date of its completion, and an itemization of any other charges (such as for mileage or subsistence) authorized by this order. Such seller shall also keep records showing the same information. These records and duplicates of such invoices or sales slips shall be kept by the seller at his place of business and shall be available for inspection by the Office of Price Administration.

(h) This order may be corrected, amended or revoked at any time.

This order shall become effective October 13, 1946.

Issued this 7th day of October 1946.

BEN C. DUNIWAY,
Regional Administrator.

Opinion Accompanying Second Revised Order G–11 Under Revised Maximum Price Regulation 251

Since it was necessary to amend Revised Order No. G–11 under Revised Maximum Price Regulation No. 251 to adjust the maximum prices therein established, it was decided to issue a second revision of Order No. G–11, so that the order and all of its amendments heretofore issued, might be contained in one document.

As has already been indicated, this revision provides for increases in the maximum prices of most of the items covered by the order. These increases are necessitated by the following factors:

1. Revised Price Schedule No. 45 had previously permitted an increase in the maximum price of asphalt roofing material.

2. Amendment No. 6 to Revised Maximum Price Regulation No. 164 increased the maximum prices of cedar and redwood shingles.

3. Two Wage Adjustment Board rulings have approved the increase of the wage rates of roofers in the Southern California area to a current wage rate of $1.60 per hour.

4. The Wage Adjustment Board approved an increase in the wage rate of shinglers to a current wage rate of $1.77½ per hour.

These factors are now adjusted for in the maximum prices established by this second revision.

Two other changes have been made.

1. A maximum price has been established for cold asphalt roofing applied over old roofing, inserted in Item 33 under subparagraph (c) I A and

2. A maximum price has been established for fiber roof coatings applied over old roofings, inserted in Item 35 under subparagraph (c) I A.

In view of the foregoing, the Regional Administrator is of the opinion that this order is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and with the executive orders supplementary thereto.

The considerations that prompted the issuance of Revised Order No. G–11 are equally applicable here.

[F. R. Doc. 46–18885; Filed, Oct. 18, 1946; 8:59 a. m.]

[Region VIII Order G–22 Under RMPR 251, Amdt. 7]

CONSTRUCTION SERVICES AND SALES OF INSTALLED BUILDING MATERIALS ON PACIFIC COAST

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. G–22 under Revised Maximum Price Regulation No. 251 is amended in the following respects:

1. Appendix A, Table 2, is amended to read in accordance with Appendix A, Table 2, attached hereto.

2. Appendix B, Table 2, is amended to read in accordance with Appendix B, Table 2, attached hereto.

3. Subparagraph (e) (1) (i) of Appendix B, Table 3, is amended by adding Sonoma and Mendocino counties in the State of California to the counties already listed and permitted therein a maximum hourly rate of $2.75 or 150% of the wage rate, whichever is the lower.

4. Subparagraph (e) (1) (i) of Appendix E, Table 2, is amended to read as follows:

(i) Maximum hourly rate for labor, per workman	Maximum hourly rate (Use whichever is lower)	Percent of wage rate (Use whichever is lower)
Journeymen:		
Multnomah County, Oreg.	-----	150
Clark County, Wash.	$2.80	150
Klamath County, Oreg.	2.75	150
Salem area, Oregon (Salem area is that area in Oregon wherein the journeymen plumbers are under the jurisdiction of Local Union No. 347)	2.60	150
Remainder of area	2.50	150
Laborers, helpers, and apprentices	2.00	150

This amendment shall become effective October 18, 1946.

Issued this 9th day of October 1946.

BEN C. DUNIWAY,
Regional Administrator.

APPENDIX A—SOUTHERN CALIFORNIA AREA

TABLE 2. PLUMBING SERVICES

Paragraph	Item	Margin
(d)	For all jobs on new construction:	
	For all jobs, other than new construction, selling for more than $500:	
(d) (1)	Total cost of job (labor, materials, "Other direct costs" only):	
	All jobs on new construction	25 percent.
	All jobs, other than new construction, selling for more than $500	25 percent.
(e)	For jobs, other than new construction, selling for not more than $500:	
(e) (1) (i)	Maximum hourly rate for labor:	Maximum hourly rate, percent of wage rate (use whichever is lower).
	For sellers with one or more employees, per workman:	
	Journeymen	$3.00 | 166⅔
	Apprentices, helpers, and laborers	----- | 140
(e) (1) (v)	Minimum charge	Maximum charge for one hour (but for outside sewer stoppage removal: $5).
(e) (2)	Materials:	
	Pricing service	"Merchant Plumbers' Guide" published by John B. Reeves and Son, 3665 South Vermont St., Los Angeles, Calif.
	Mark-up on non-listed materials	35 percent.
(g)	Additional allowance for lump-sum jobs	5 percent.
(h)	Other charges (all jobs):	
(h) (1)	Mileage allowance	5 cents per mile over 10 miles.
(h) (2)	Out-of-town expenses	Not exceeding rate in contract between union and seller.
(h) (3)	Other allowances	Rentals of special equipment subject to Maximum Price Regulation No. 134.

APPENDIX B—NORTHERN CALIFORNIA AREA

TABLE 2. PLUMBING SERVICES

(d)	For all jobs on new construction:	
	For all jobs, other than new construction, selling for more than $500:	
(d) (1)	Total cost of Job (labor, materials, "other direct costs" only):	
	All jobs on new construction	25 percent.
	All jobs, other than new construction, selling for more than $500.	25 percent.
(e)	For jobs, other than new construction, selling for not more than $500:	
(e) (1) (i)	Maximum hourly rate for labor:	Maximum hourly rate, percent of wage rate (use whichever is lower).
	For sellers with one or more employees, per workman:	
	Journeymen:	
	Alameda, Contra, Costa, Marin, Napa, San Francisco, San Mateo, and Solano Counties.	$3.00 | 160
	Remainder of area	2.75 | 150
	Apprentices, helpers, and laborers	----- | 150
(e) (1) (ii)	For sellers who employ no workmen:	
	Alameda, Marin, Sacramento, San Mateo Counties	$2.75.
	San Francisco County	$3.00.
	Remainder of area	$2.25.
(e) (1) (v)	Minimum charge	Maximum charge for one hour (but for outside sewer stoppage removal: $5).

For explanation of any item in this table see the corresponding paragraph in Order No. G–22.

APPENDIX B—NORTHERN CALIFORNIA AREA—Continued

TABLE 2. PLUMBING SERVICES—continued

Paragraph	Item	Margin
(e)(2)	Materials: Pricing Service: Mono County	"Merchant Plumbers' Guide," published by John B. Reeves and Son, 3665 South Vermont St., Los Angeles, Calif.
	Remainder of area	"A Price Guide on Plumbing Materials," published by Current Price Bureau, 55 New Montgomery St., San Francisco, Calif. 35 percent.
	Markup on non-listed materials:	
(g)	Additional allowance for lump-sum jobs	5 percent.
(h)	Other Charges (all jobs):	
(h)(1)	Mileage allowance	5 cents per mile over 10 miles; provided, that where a contract between the seller and the union provides a rate per mile for use of an employee's vehicle, that rate per mile may be applied to any distance in excess of 10 miles, when such vehicle is used.
(h)(2)	Out-of-town expense	Not exceeding rate in contract between union and seller.
(h)(3)	Other allowances	Rentals of special equipment subject to maximum price regulation No. 134.

For explanation of any item in this table see the corresponding paragraph in Order No. G–22.

Opinion Accompanying Amendment 7 to Order G–22 Under Revised Maximum Price Regulation 251

The changes made in Appendix A, Table 2, and certain of the changes made in Appendix B, Table 2, by this amendment, are as follows:

1. A classification has been made representing on the one hand, jobs performed on new construction and jobs selling for more than $500.00, performed on old construction, and on the other hand, jobs selling for $500.00 or less, performed on old construction.

2. Jobs performed on new construction, or selling for more than $500.00 and performed on old construction, now have a margin of 25%. The fixed alternative price has been eliminated.

3. Jobs selling for $500.00 or less and performed on old construction, will be priced in the same manner formerly provided for jobs selling for not more than $300.00, namely, a time and material basis.

The changes were made as a result of a meeting held with members of the plumbing trade. Evidence adduced at this meeting indicated that Table 2 of Appendix A and Appendix B, did not accurately reflect trade practices during the base period with respect to margins on new construction and with respect to margins on repair jobs selling for more than $500.00. Consequently, the changes noted above were decided upon and made effective by this amendment.

Three other changes are made by this amendment. They are:

1. The provision for mileage allowance, subparagraph (h) (1) in Appendix B, Table 2, has been modified to permit the use of a milage rate provided for in a contract between the Union and the seller. It has been brought to the attention of the Regional Administrator that in certain instances, the contract between the Union and the seller provides for a mileage allowance as a method of reimbursing an employee, where the employee of the seller uses his own vehicle, that is, the employee's vehicle, in going to the job. Thus, if there is such a provision in the contract between the Union and the seller, and the employee does use his own vehicle for transportation to the job, the seller may now use the rate provided in that Union contract for distances in excess of ten miles.

2. The Wage Adjustment Board has approved an increase of $0.175 per hour in journeymen electricians' hourly wage rate in Sonoma and Mendocino counties in the State of California. This has been reflected in this amendment by increasing the maximum hourly rate for journeymen electricians in Appendix B, Table 3, from $2.50 per hour to $2.75 per hour, for the two counties.

3. The Wage Adjustment Board has approved an increase in journeymen plumbers' hourly wage rate in the Salem, Oregon area of $0.145 per hour. This has been reflected in this amendment by increasing the maximum hourly rate for journeymen plumbers in Appendix B, Table 2, for the Salem, Oregon, area, from $2.50 per hour to $2.60. The Salem area is defined in the amendment, as that area over which Local Union No. 347 has jurisdiction since the increase approved by the Wage Adjustment Board was, in terms, granted the plumbers who were members of Local Union No. 347.

In view of the foregoing, the Regional Administrator is of the opinion that this amendment is proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and Executive Orders supplementary thereto.

The considerations that prompted the issuance of Order No. G–22 are equally applicable here.

[F. R. Doc. 46–18884; Filed, Oct. 18, 1946; 8:58 a. m.]